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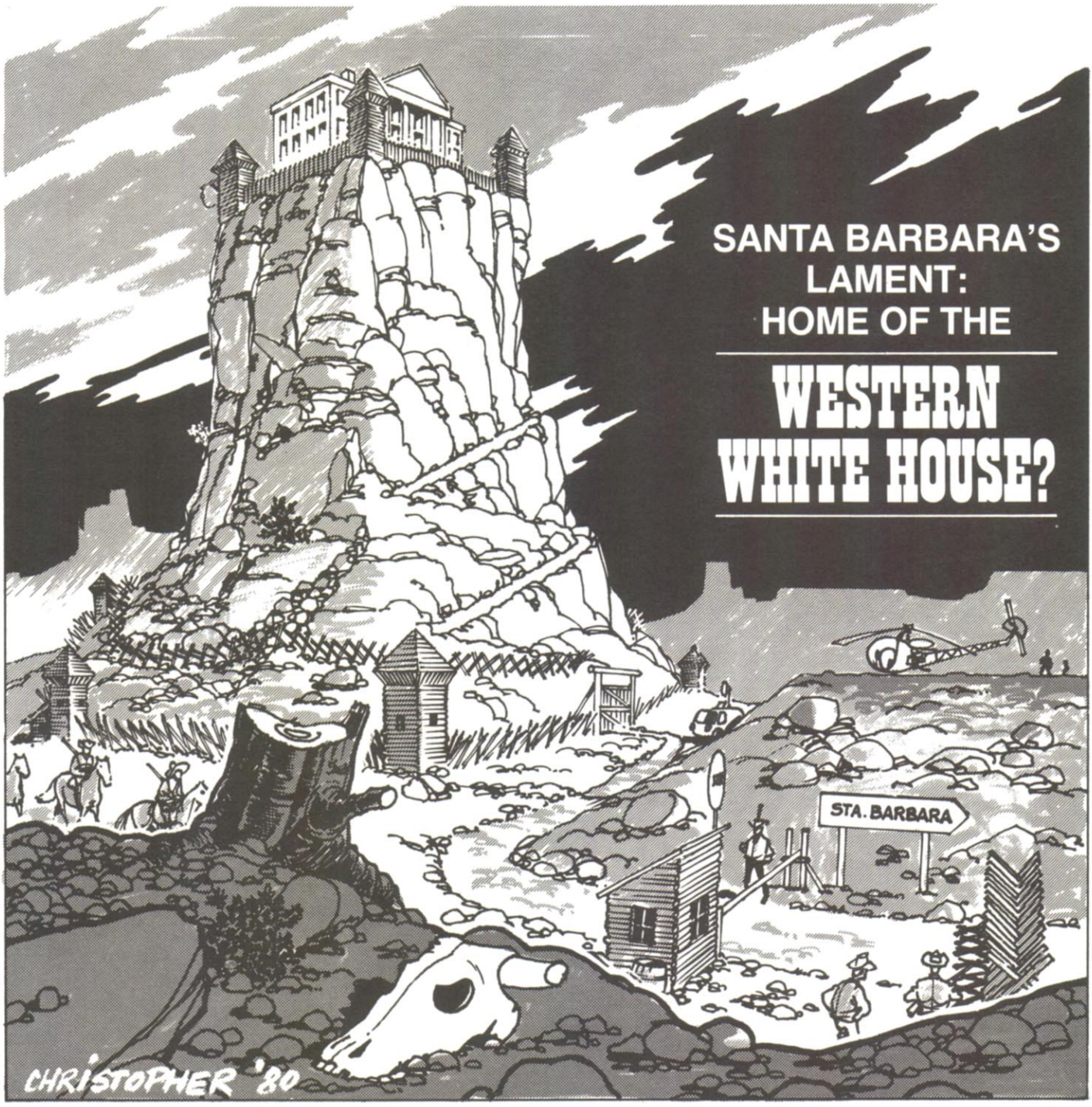

REMAINS OF THE DEMOCRATIC PARTY

SPECIAL SECTION: NOVEMBER BALLOT PROPOSITIONS

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Personal PERSPECTIVE

By Ed Salzman

Repair or demolish?

ILLUSTRATION BY CHRIS VAN OVERLOOP

With the retirement of Superintendent of Public Instruction Wilson Riles in 1982, the contest to select his successor ought to provide California with a debate on what's wrong with public education in this state.

Justified or not, polls show that Californians are very unhappy with their public schools. Taxpayers sense that the system is now geared more toward employee relations than educational performance. Will it take some dramatic initiative, such as the voucher plan, to shake up the system? Will a massive government operation perceived as less than competent by its owners manage to remain untouched? Or is it possible to repair the system without dismantling it?

Many of those who normally move and shake public institutions — middle-class activists — have taken the easy way out. They have sent their kids to private schools, away from the hassles about busing, tenure and strikes.

The candidates for Riles' job might fall into three categories — the Establishments (substantially supporting the status quo), Revolutionaries (backing vouchers and other radical plans) and Tinkerers (seeking to make repairs that will allow the present system to function effectively). Here are some of the proposals that might be considered if the state is fortunate enough to have a lucid discussion of educational issues in 1982:

- Require that teachers pass minimum competency tests in reading, writing and arithmetic.
- Reduce the paperwork blizzard by abolishing various state and federal special programs. Bloc grants would allow districts to establish their own educational priorities.
- Place schools on a year-round basis. The public resents the 176-day work year of teachers. Erosion of the teaching day should be stopped and student-teacher contact should be maximized.
- Find ways to reward good teachers. Those who do an outstanding job are grossly underpaid.
- Eliminate the traditional principal and vice-principal. Place a superior teacher in charge of education at each school. Hire a business-oriented individual at relatively low pay to handle administrative details.
- Eliminate the economic incentive for superior teachers to move into administrative ranks. The prime mission of the school is education, not bureaucracy.
- Open the collective-bargaining process to public view. And give the employers of teachers — the taxpayers — the opportunity to reject a proposed contract through the referendum process.
- Recognize that teacher unions are here to stay, and get labor organizations to cooperate in the improvement of the educational product.
- Establish a format for school-district budgets so that they can be understood by the taxpayers and so that they make a connection between dollars and educational goals.
- Experiment with ways of increasing citizen involvement with the schools.

Unless some significant changes are made, some system-rocking initiative probably will qualify for the ballot. Then the Educational Establishment will be fighting for survival. The alternative is a series of shorter steps that convince the taxpayers that the main purpose of the schools is not just providing employees with the largest possible paychecks for the least possible work.

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Some lobbyists in Sacramento are predicting that the speakership battle between Leo McCarthy and Howard Berman will not be settled within the Democratic caucus. They say that McCarthy will probably cut a deal with a block of Republicans that will result in a defeat for Berman as well as the ouster of Carol Hallett as GOP leader. Still other lobbyists hold to the theory that a compromise Democrat like Frank Vicencia will win the job.

Fred Kline, owner of the Capitol News Service in Sacramento, has been hired by the savings and loan associations to help secure the override of Jerry Brown's veto of the flexible mortgage bill. Look for objective reporting on the issue from Kline's news service.

Just in case you were wondering: Six percent of California's 13 million automobiles carry personalized license plates.

Friends are urging Kirk West, executive vice president of the California Taxpayers Association to run for state controller. West, former deputy state controller, is a moderate Republican with potential supporters across the political spectrum.

Success has finally arrived for Jack Welter, retired Sacramento bureau chief of the *San Francisco Examiner*. He recently shot a hole-in-one on a golf course in Marysville.

Some lawmakers just don't have enough to keep them busy. Assemblyman Bill Lockyer of San Leandro has been attending night law school in Sacramento.

Frank Lalli, former editor of *New West* Magazine, has resigned as metropolitan editor of the Los Angeles *Herald-Examiner,* to help the New York *Daily News* combat Rupert Murdoch and the New York *Post* in the p.m. cycle. Scars still remain from Lalli's *New West* bouts with the Murdoch organization. Replacing Lalli at the *Her-Ex* will be Tom Brown of the *Sacramento Bee.*

The cops were called to the offices of a major state commission to break up a fight between the wife and secretary of a commissioner.

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Jimmy Carter's discovery of California

The California caucus *(clockwise from top left):* Candidate at work . . . Mayor Isenberg of Sacramento, a Carter stalwart . . . Delegate Tom Montgomery of Pacoima debating with Mayor Dianne Feinstein of San Francisco . . . Rivals at the rostrum — Carter leader *Jesse Unruh* and Kennedy chairman John Tunney.

By Ed Salzman

PHOTOS BY TERI BOLIN

Finally, Jimmy Carter is discovering that California is the promised land.

It seems almost incredible, but the Carter campaign is serious about trying to carry California over Ronald Reagan in November. Carter himself will travel to California in September to kick off the campaign, and millions of dollars will probably be spent trying to convince Californians that Ronald Reagan cannot be trusted in the White House.

The rationale: Most of the West looks solid for the Republican nominee. The South is far from solid for its own favorite son, and Carter will do well to get a draw in Dixie with Reagan. The Anderson factor makes the Northeast states anything but easy pickings for Carter. The president is so desperate for electoral votes that he feels he has no choice but to conduct a blitzkrieg operation in California, which has previously been regarded as hostile territory occupied by wild Indians like Jerry Brown.

The Carter campaign in California will be directed by Los Angeles attorney Mickey Kantor, who is generally considered the top volunteer political operative in the party these days. Other top participants will be state Treasurer Jesse Unruh, young political pro Jim Copeland, Congressman Vic Fazio of Sacramento and Assemblyman Mike Roos of Los Angeles. A key element in the campaign will be the mobilization of the state's education establishment behind the president.

A three-pronged drive

Kantor views the campaign as a three-pronged affair. First, a major effort must be made to register more Democrats. (There are estimates that the Democratic National Committee might spend $1 million on that drive within the state.) The next job will be to demolish John Anderson, who has been running ahead of Carter in the polls and has attracted Democratic liberals in large numbers, especially Jewish voters. Kantor, who is Jewish, says this will be accomplished by making it known how conservative a congressman Anderson has been over the years. The third part of the campaign will be most difficult — the changing of California's attitude toward Ronald Reagan. Kantor is not yet sure how this will be done, but he has a reputation for devising imaginative campaign strategies.

Why is Carter planning such an all-out assault on California when there are so many better targets of opportunity — places where the voters might be convinced that all Californians are kooks, that Reagan is a lightweight, and especially that the former governor is not to be trusted with the nuclear button? Roos says simply that California is too big a prize to concede to Reagan. He feels that the election could

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get close if Anderson fades sharply, as some political pros think will happen. The basic assumption is that politics in America are extraordinarily volatile and that California is the most volatile place of all.

Mayor Phil Isenberg of Sacramento, another early Carter backer, claims the president cannot write off any large industrial state and may sneak up on Reagan. At the very least, a major Carter campaign in California will force Reagan to deploy resources in his home state, which he otherwise would be able to take for granted.

John Hein, western political operative for the National Education Association (teachers), claims that the key for Carter will be Southern California, where Hein's organization is working hard to re-elect Congressman Jim Corman. Hein says that teachers will work hard for Carter in the state but they will recognize reality and make sure that an even greater effort is made to keep Democrats in Congress and the state Legislature.

How long will Carter keep pouring money into the state if he is not making significant progress in knocking down Anderson and Reagan? Congressman Fazio feels that October 1st will be the day of truth. One month of hard campaigning will have been completed, and it will then be possible to make a decent assessment of the strengths and weaknesses of the campaign by geographical area. It is entirely possible that Carter will abandon California on October 1st, according to Fazio. "We'd hate to be sopping up resources that could be used where electoral votes are more attainable," he adds.

Teacher power

The role of the NEA (and its affiliate, the California Teachers Association) cannot be minimized. Without united backing from the NEA, Carter might not have won the nomination. When teacher delegates (and other units of organized labor) defected, Carter was forced to concede platform planks to the forces of Ted Kennedy. There were more than 300 teacher delegates in New York, compared to 172 in 1976. The NEA organization was probably the single most effective force in the convention, and it was paid due homage by politicians from around the nation looking ahead to future convention balloting. If the NEA marshals its forces for Carter this fall, it could make a significant difference in the outcome.

The extent to which the Carter White House intends to use the education issue was illustrated by the politicization of Shirley Hufstedler, the first secretary of education and formerly a federal judge who remained aloof from partisan politics. Hufstedler worked the floor for Carter and made appearances before various delegations. Her message: "Jimmy Carter is the most education-minded president in the history of America."

Senator Ted Kennedy appeared personally before the California caucus on the day before the key convention vote on whether delegates must be bound by the outcome of primary elections. "Delegates are not robots," he declared. Chip Carter and Hufstedler worked the Carter delegates for the president. Within the delegation, the big issue was floor seating. The Carter gang wanted to stay together so they could not be subjected to Kennedy pressure. The Kennedy forces wanted to isolate Carter delegates, the better to twist arms. In the end, a congressional district system was used and it made little difference.

The rules fight could have been described as a battle between the people of principle ("You don't change the rules in the middle of the game") and the forces of conscience ("Let every delegate vote his or her conscience"). Mayor Dianne Feinstein of San Francisco, highly visible throughout the convention, spoke for the principles, while Assemblywoman Maxine Waters of Los Angeles countered for the consci-

Faces on the floor
(clockwise from above):
Two portraits of disappointed Kennedy backers . . . Jerry Brown's $3 million delegate, David Clarenbach of Wisconsin . . . The governor at end of speech . . . Carter California campaign director Mickey Kantor . . . Diana Lloyd of Bakersfield displays solid NEA-CTA (teacher) support for Carter.

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ences. When the Carter forces won easily before the start of prime time in California on the first day, the convention was all but over. All that remained were the speeches by the party's stars — Carter, Vice President Mondale, Kennedy and Jerry Brown.

Jerry Brown's one pledged delegate, David Clarenbach of Wisconsin, voted with the Carter forces on the pivotal delegate issue even though Brown had urged him to abstain. Interestingly, Clarenbach's alternate, Doug Nelson, would have gone the opposite way. Clarenbach received a great deal of media attention and was known as the $3 million delegate. That's how much Brown spent on his presidential campaign.

Brown's dull speech

Why did Brown ask Clarenbach to abstain? That was in keeping with the governor's announced role as the peacemaker in the troubled Democratic Party. He came to New York with a contingent of some 40 underlings — on vacation from their jobs — and set out to become a factor in the party. Brown's aides told delegates from around the country that Jerry Brown knows Ronald Reagan as well as any Democrat and wants to be helpful this fall. In other words, Brown is trolling for invitations to travel around the country helping Democratic candidates — and collecting IOUs for use in 1984 and beyond. Jerry Brown wants the world to know that he is no longer a spacey Governor Moonbeam but just a regular party guy who might be called Governor Jim Beam at the local pub.

Brown was given a marvelous opportunity to launch his campaign via national television immediately prior to the presidential balloting. There is probably just one way to put it: He blew it. Brown spoke a bit about everything in a dull manner that made a dull convention even duller. (Then came the roll call. Only one Kennedy delegate from California made a move toward peace by voting for Carter — Assemblyman Herschel Rosenthal of Los Angeles.)

To the political scientists attending the convention, the big story was being missed by the media. The outcome was totally predictable. But the convention was a testimonial to a system that was not working. One professor likened the presidential selection process to a two-tailed monster because the nation has adopted a hybrid consisting of the worst of both the primary and convention systems.

This was a convention marked with disappointment, confusion, a lack of confidence. In Detroit, the Republicans felt as if they had picked a winner in Reagan, but they respected Carter's ability to fight an uphill battle. In New York, there was little respect for Reagan but a pessimistic feeling that, somehow, somebody other than Jimmy Carter should be carrying the Democratic banner in 1980. More than ever, the Democratic Party needed a happy warrior like Hubert Humphrey to get the crowd in a mood to hear "Happy Days are Here Again."

For the next few weeks, at least, Jimmy Carter will have a new campaign theme song — "California, Here I Come."

Bites from the Big Apple

If the Democrats conduct their campaigns this fall the way they arranged their convention in New York, they will lose about every office in the land. Political scientist Nelson Polsby of Berkeley counted 11 times his credential was checked between the time he tried to enter Madison Square Garden and reached his seat. That compares to one time in Detroit . . . State Treasurer Jesse Unruh passed out old campaign buttons, leaving delegates with the notion that he plans to run for governor or United States senator in 1982 . . . The former Assembly speaker looks as if he needs another crash diet . . . He kept urging his fellow Carter delegates to be "extra nice" to Ted Kennedy and his supporters . . . Chip Carter was a special favorite with the California contingent . . . The California delegation was seated quite far from the rostrum and was divided into two parts. The California section was described as the state of Michigan — with an "upper peninsula" . . . Media note: Los Angeles newsman Jess Marlow of KNBC-TV was scratched from the convention at the last minute because he took a job with another station. He was replaced by political pro Warren Olney . . . New York buses were carrying ads for Californian Ed Clark, Libertarian Party candidate for president . . . Lobbyists in the California social scene at the Waldorf-Astoria: Hal Broaders of Bank of America and

Jerry Harrington of Pacific Gas and Electric . . . As usual, the Carter-Hawley-Hale reception was number one. It was a repeat of 1976, aboard a Chinese junk in the East River. Don Livingston rounded up a who's who in California politics for the affair . . . Los Angeles Mayor Tom Bradley was given a high-profile spot with President Carter while the roll was being called for president . . . The biggest celebrity event on the floor was the stroll of Walter Cronkite through the California delegation . . . Congressman Jim Corman, in trouble in his re-election campaign, was given a prime-time slot. But that was in New York, not in the San Fernando Valley where he hit the screens before 6 p.m. . . . Governor John Y. Brown of Kentucky — also known as Mr. Phyllis George — used a tasteless line in his speeches. He attacked Ronald Reagan by pointing out that the last two presidents from California were named Herbert Hoover and Richard Nixon. Brown is running for president in 1984, along with another governor of the same last name . . . The Jerry Brown campaign was launched in the convention hall by David Innes, a Kennedy alternate from Wisconsin, who paraded around the arena with a hand-made "Brown in '84" sign. *E.S.*

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The Reagan ranch: new Western White House?

By Jerry Rankin

Ronald Reagan will encounter some nasty political wildlife when — and if — he reaches Washington, but when he comes home to his Santa Barbara ranch the snake in the grass will be real. Reagan personally has found two rattlesnakes at the ranch 30 miles northwest of Santa Barbara on the crest of the Santa Ynez Mountains. (On a clear day at the Reagans' favorite bend in the trail, you can see Solvang off to the right, the University of California campus and Isla Vista on the far left.)

Nature's non-voting citizens are Reagan's neighbors in abundance, and here, at least, détente appeals to him. Reagan is fond, for instance, of recalling the Secret Service agent who walked down off the hillside from his security post when a mountain lion walked past him. And, Reagan adds with a smile, "We're on the circuit for a bear that occasionally turns up around here."

These true tales — confirmed by the few human neighbors — illustrate the remoteness of what apparently will become, at least de facto, the Western White House if Ronald and Nancy Reagan move into 1600 Pennsylvania Avenue next January 20th. It is doubtful that any modern presidency has been deposited in the middle of such an unfitting setting, with so many difficulties posed for those who must provide the necessary security and communications that a president demands.

Future headaches

And if the ranch poses potential problems for the Secret Service, the prospect of a Western White House nearby suggests future headaches to many residents of Santa Barbara.

No one knows how a Reagan presence would affect the seaside city. Ken Rietz, the rising young Republican campaign consultant who moved to Santa Barbara just because he likes it and who has talked to Reagan about the city's future, predicts some sort of operations complex for a presidential staff and press in the city. Some national news operations are thinking about the Holiday Inn outside town in Goleta as a logical spot because of space and facilities — and it's near the ranch. (The Secret Service stays at a smaller motel inside the city.)

While an occasional Reagan presence might lure more visitors to the area, a San Clemente-style influx seems unlikely. A major reason is that in San Clemente, you could easily drive past the gate entrance to the Nixon compound, although still far from his house, giving you a sense of nearness. But to get near Reagan, you must drive a dangerous, slow route from which nothing at all is visible of his ranch, which is in a valley screened from public view and about half a mile in from the public road. Unless you know that the green metal gate with the eight padlocks and the 3333 address is the place, you would drive right by. If this word gets out, it should limit visitors foolhardy enough to venture up the road.

Jerry Rankin is a political writer for the Santa Barbara News-Press.

ILLUSTRATION BY CHRIS VAN OVERLOOP

Residents of the canyon are intrigued by the possibility of a president in their backyard, but they worry about any tampering with the road as it twists through the bucolic splendor past lemon trees, a few cattle and the eerie honking-screaming of a dozen peacocks. As neighbor Stuart Eckert, a Reagan supporter, puts it: "I'd hate to see it the Western White House."

The same sentiment is shared by some other Santa Barbara-area residents. One resident wrote the *Santa Barbara News-Press*, "Can I be pardoned for wondering . . . about what may happen to Santa Barbara if Reagan becomes president and makes our earthly paradise his vacation-time White House?"

Another wrote: "Having lived in San Clemente and having seen property prices shoot straight up after the election of Richard Nixon, I have good news for the property owners of Santa Barbara. Expect prices to shoot up as civil servants, newsmen and bureaucrats rush into our fair city as the support unit of a President Reagan."

In fact, one out-of-town agent reportedly has approached homeowners offering to buy houses, anticipating a Reagan-inspired influx to a city that has both a voter-approved population limit and possibly the worst housing shortage in California.

Reagan has been asked whether 3333 Refugio Road will become the Western White House. "I never thought of it as that, exactly . . . as a headquarters," he says. It would be a place we would enjoy coming to as often as possible." Asked

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whether he would bring a Sadat or a Begin to his Rancho del Cielo, Reagan says, "I would think (of it) as a private getaway. I wouldn't think you would have foreign leaders. I don't think it would lend itself to that — it's only 1,500 square feet. I don't know that you would have the facilities for entertaining."

In fact, there really would be no room for overnight visitors of any kind, unless a guest house were built, and that would destroy the character of the place. The ranchhouse is a modest, two-bedroom place — smaller than most tract homes in the nearby Goleta Valley. And, one bedroom is simply a small afterthought, appropriate for a cook but not a prime minister.

The impression both Reagans leave is that the ranch would be for them only, and as such could provide invaluable ease for a president's mind and body.

What does Mrs. Reagan like most about the place? "Peace," she replies while standing in the den with two "jackalopes" gazing down from the wall next to her. ("Jackalopes" are rabbit heads with antlers — a Texas joke.)

Reagan is a bit more expansive: "There's kind of a spell when you're here. Here, it's totally away from any public road. Here, there's a total feeling of peace."

What would a President Reagan do at the ranch? "You'd be surprised at how hard we work. We ride in the morning and in the afternoon it's work time. If you can't think of anything else to do, you can always cut wood." In fact, he has no choice — the house's only heating is from fireplaces.

Those who have access to the eight locks on the gate that leads to the access road to the ranch report that they often see Reagan outside chopping wood, repairing fences and so on. Ranch foreman Lee Clearwater, whose tall, lanky and craggy features are straight out of Central Casting and who got his job by writing Reagan and telling him he needed Clearwater's jack-of-all-trades talents, remarks: "He does everything I do. He's very active. He works hard — doesn't lay around. And he's an excellent horseman."

The locks are indicative of the sparse population. Four are for the telephone company, Pacific Gas and Electric, Forest Service and the Federal Aviation Administration, which has a couple of airplane guidance beacons on the hills. The others are for Reagan and his only three nearby neighbors who, like a number of those scattered along the Refugio Canyon, divide their time between homes elsewhere and their ranches.

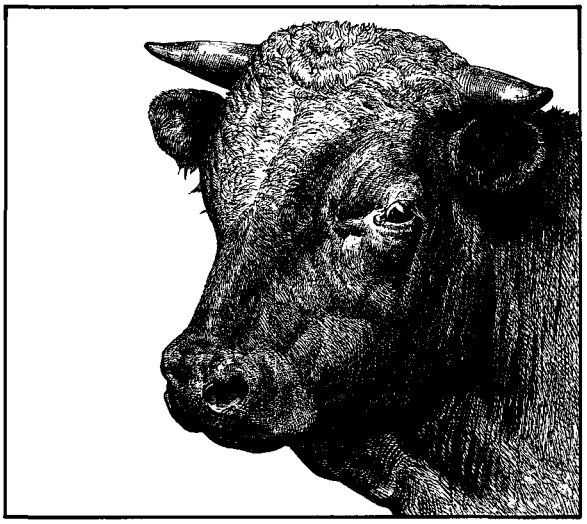
Goldfish and a canoe

Reagan's 688.06 acres is the largest spread along the crest of the mountains, one of only two ranges in the United States running east-west instead of north-south. Most of the ranch is hilly, covered by California oak. But there is a large open pasture in front of his house where his four horses roam behind a split-rail fence he and Clearwater built. A small lake or big pond — full of goldfish that Reagan planted in an experiment to see how big they could grow — is at the side of the house, which in its core is what is left of a 94-year-old adobe. Floating on the pond is a faded white canoe Reagan gave to Nancy on their 25th wedding aniversary. The boat's name is Truluv.

The open space could be a lifesaver in the event of a fire — and the area is at the top of the fire danger list. The crew up at the fire station tell you that if they ever were trapped by fire, they'd head for the Reagan ranch for safety. A photo of the last big fire, which burned in 1955, on the station bulletin board shows flames licking to within yards of the clear area at the ranch.

Dave Skinner, acting foreman at the station, notes that with a quarter-century's growth of fuel, "This stuff is primed and ready to go. If fire gets in where we can't get to it, it will go." The glass and wood station, one of the most

For tax purposes, an agricultural preserve



It's not exactly a thundering herd, but the 22 head of cattle Ronald Reagan grazes at his ranch provide him a hefty property tax break this year. Reagan's ranch outside Santa Barbara totals 688.06 acres and, like others in the immediate area, isn't really suited for serious agricultural use because of topography, lack of water and heavy tree cover.

Still, he — like the owners of more than 400,000 acres of other property in the county — qualifies for a big tax break under the Williamson Act passed by a Democratic Legislature in the mid-1960s. The law, which is administered by county supervisors and can vary from county to county, aims at preserving open space and curbing urbanization of prime farm land.

Thus, instead of the tax assessor reaching an assessment for tax purposes on what the real market value of the property is, it is assessed on a special formula tied only to agriculturally related income.

Enter the 22 head of cattle. Reagan grazes them during the summer, fattening them for market. They then are sold — "hopefully for a profit," he remarks — and he derives income from the weight they added on his property. Not much, but enough to qualify for ag-preserve status. Thus the current assessed value for the spectacular property, which must be worth $1 million or more, is put at $20,423 for the five parcels making up the 688 acres. And his 1979-80 county property tax bill on the assessor's records is $862.32.

By contrast, the 118 acres owned by Tom Hayden and Jane Fonda about 25 miles eastward toward Santa Barbara don't qualify for the tax break. Their current tax bill is $6,577.50.

Reagan bought the property in 1974 through the Ronald Reagan Trust which handles his property. Thus his name doesn't show up anywhere in county records. The property now is in the name of William French Smith, Reagan's friend and lawyer, who makes up the trust along with industrialist Justin Dart and businessman William A. Wilson.

Smith told the *Los Angeles Times* that current taxes actually are $907.70 and that the trust still owes about $320,000 on the ranch, bought for about $525,000. *– J.R.*

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attractive in the nation, normally is staffed from May 15th to November 15th by a crew of five to seven, with one pickup truck and one tanker.

It is beginning to dawn on them that, aside from the ranch — which Mrs. Reagan has made clear she wants disturbed as little as possible — the fire station property offers a potential headquarters for the security-communications complex a president would need. It would require clearing some trees and installing some modest buildings, however.

The ranch itself has only one medium-sized barn building, another small building, a very small two-room guest trailer made to look like a building, a small trailer apparently for security use and a house trailer for Clearwater's use when he isn't at his Santa Barbara home.

Any expansion would run into frowns from Nancy Reagan, according to security agents exposed to her feelings. Santa Barbara County Sheriff John Carpenter, who recently visited Reagan at the ranch, remarks: "There are some indications Mrs. Reagan doesn't want to make the changes that would have to be made." Carpenter points out that present security is being tightened because of Reagan's new official candidate status, and would take a quantum leap if he is elected: "There would have to be helipads put in, for instance. They would want that as an emergency measure. And some kind of intrusion devices around the perimeter." (Local residents wonder about the latter, in view of the wildlife — especially the deer — that can't read "No Trespassing" signs and might trip alarms constantly.)

Fog and floods

Transportation to and from the ranch is a major problem, for Reagan and his neighbors. The first stage is simple — he has pointed out to friends that it's an easy flight from Washington to Vandenberg Air Force Base, 50 miles northwest of the ranch. The last 50 miles pose the problem. Plans reportedly are under way to put a helipad at or near the ranch, which already is almost directly underneath a flyway for light aircraft going from Santa Barbara north or east.

But turbulence above his ranch can be intense, because it sits directly beneath the collision of hot thermal drafts from the Santa Ynez Valley and cooler ocean breezes pushing up the mountainside. In addition, fog often drapes the mountains. The result is that helicoptering in would be perilous and downright impossible many days of the year. That would leave surface travel. There are three roads, but two are dirt and impassable frequently. The basic route is Refugio Road, a paved, one-lane route in most places that threads itself up Refugio Canyon for 6.5 miles from U.S. Highway 101 to Reagan's property before dropping over the crest as a dirt road to Solvang. The road has no railings or markings, is steep and twisting, passable by nothing larger than a van. And a creek crosses it in seven places, making it impassable in rain at times.

Only a few people live along the road — fewer than 100 — below the Reagan ranch, and interviews with a number of them indicate they have almost no contact with their famous neighbor. One of his immediate neighbors on top of the rise, Stuart Eckert, summed up the general experience: "We don't see him personally. All we ever see are secret servicemen."

Canyon residents occasionally encounter Reagan as he is driven to or fro, and report no neighborliness on the part of his escorts: "All we see is some guy in sunglasses and a suit pulling us over because 'We've got a convoy coming down.' " The Secret Service doesn't stop to explain, but a sheriff's car also along does stop and check out suspicious people.

The center of the canyon population is at the Circle Bar B guest ranch-dinner theater. There, up to 95 people a night on weekends pay $15 a person to munch on outstanding barbecue and watch a light comedy, the kind where you often get to boo the villain and cheer the hero. At the same spot, the Gene O'Hagan stables draw 20 - 30 customers a day into the canyon for horseback riding that can go near — but not onto — the Reagan property.

For neighbors, the biggest annoyance might come from an aggressive press trying to rent lodging at some of the canyon ranches, or attempting to take over the Circle Bar B. But if cooler heads and creature comforts prevail a Reagan Western White House likely would develop into a dual operation similar to Nixon's. There, a couple of wire service reporters and photographers bunked in San Clemente, but most of the White House press corps lived in style on the sands of Laguna Beach, busing down to San Clemente occasionally for announcements or pictures.

In Santa Barbara, a few wire service types might lodge at the Holiday Inn where a press room could be installed, with the rest staying in the city, or even at the Santa Barbara Biltmore just outside.

Which do you think would appeal to the eastern press, most with hefty expense accounts — the Holiday Inn next to a freeway far from the ocean, or the lavish, Mediterranean Biltmore right on the beach?

Selected Government Reports

Cranston: The Senator from California, by Eleanor Fowle. A biography of California's senior senator, Alan Cranston, by his sister. A breezy look at Cranston with considerable emphasis on his pre-political career as a journalist. 282 pp Presidio Press, P.O. Box 3515, San Rafael 94902. ($10.95)

Efficient Water Use in California: The Evolution of Groundwater Management in Southern California, by The Rand Corporation under a partial grant from the Rockefeller Foundation. One of a series of seven studies analyzing groundwater and surface water use, rights, management and supply planning. Available from The Rand Corporation, 1700 Main St., Santa Monica, CA 90406.

The Path Not Taken: A Common Cause Study of State Energy Conservation Programs, by Ted Stein and the Common Cause staff. 138 pp. Available by writing Issue Mail, Common Cause, 2030 M St., N.W., Washington, D.C. 20036.

Survey: California News Media Policy Regarding Endorsements/Recommendations of Political Candidates, by Cunningham & Walsh, Incorporated. 22 pp. Available from the corporation, 500 Sansome St., San Francisco, CA 94111.

Getting Action: How to Petition State Government, by Carl Oshiro and Harry Snyder for Consumers Union, with partial funding by Dustin Wilson and the U.S. Office of Consumer Education. Available for $8 from Consumers Union, P.O. Box 3914, San Rafael, CA 94103.

California and the World: A Directory of California Organizations Concerned with International Affairs, by the California Institute of Public Affairs, an affiliate of the Claremont Colleges. 68 pp. Available for $12 from the Institute, 225 W. Foothill Blvd., Claremont, CA 91711.

Public Affairs Review 1980, by the Public Affairs Council. First issue. Articles on business involvement in political and community activities. 95 pp. Available from the Council, 1220 Sixteenth St., N.W., Washington, D.C. 20036.

Access and Success: Equal Educational Opportunity in California's Independent Colleges and Universities, by Marcia Salner, edited by John R. Thelin; funded by the Ford Foundation for the Association of Independent Colleges and Universities. Describes the success of efforts to increase educational opportunities for minority students. 84 pp. Available upon request from the association, 37 Brookhollow Drive, Santa Ana, CA 92705.

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KING OF THE QUIP

BY MORRIE LANDSBERG

Whatever other speculation there may be in the weeks before election day, it's safe to say that should Ronald Reagan win in November, the presidential news conference will never be dull. Nor will the White House correspondents find it easy to have him say anything more than he wants to, in just the way he wants to say it. Reagan proved he had these qualities during his two terms as governor of California. Unlike his successor, Jerry Brown, Reagan met with the press regularly and he was always in command. Unlike some of his predecessors, he rarely had to backtrack with a lame "What I meant was . . ."

No presidential candidate, of course, has ever had more experience before camera and microphone than Reagan brought to his job of running the most populous state. His eight years in Sacramento established one fact: When it comes to bright and funny sayings, delivered with practiced style, there are few big-name political figures in America who can match Reagan. You may or may not agree with what he says about the issues, but you can readily see that he is an adroit story-teller as well as king of the quip. He was serious enough when he needed to be, but the one-liner, the gosh-fellows stance and the boyish smile were always at the ready to disarm or captivate.

The joshing of the governor began with a memorable scene in the rotunda of the State Capitol in Sacramento. It was in the early minutes after midnight of January 2nd, 1967, just after Reagan and U.S. Senator-elect George Murphy had taken the oath of office. The two former Hollywood stars stood there for a moment before friends and reporters; then Reagan turned to Murphy and the television cameras to deliver his first words as governor.

"Well, George," we heard him say, "here we are on the late, late show again."

Briefed before drawing up his first state budget, Reagan joked, "What I have recently learned about the state of finances in California, we may turn out to be the first state that ever ran on Diners' Club cards." A few months later he declared he had served his apprenticeship but, he said, "there was a time back around January when I felt like an Egyptian tank driver with a set of Russian instructions." When things got a little tough politically, he began to get laughs by saying, "I tried to dial a prayer and they hung up on me!"

There was, at times, a sardonic quality to Reagan's remarks. Take the time his daughter Maureen said she'd been to South Vietnam with a Hollywood troupe and she didn't believe a military victory was possible. "Well, now," her father replied, "while I'm partial to my daughter and love her very much, I don't think foreign policy should be decided by USO entertainers."

During his day as governor, Reagan was at his best in the spontaneous give-and-take of his rather informal news conferences, held in a big room on the first floor of the State Capitol annex.

ILLUSTRATION BY CHRIS VAN OVERLOOP

The notation (LAUGHTER) shows up throughout the official transcript. Prodded by a reporter as to whether he actually had sold property he owned in California's Riverside County, Reagan replied, "Are you offering to buy because I'm willing to sell." What had he learned so far on a school finance problem? "Not to answer your question." Did he think he could resist a 1976 presidential contest with Senator Edward Kennedy? "This is a great place to say 'No comment.' " What would he say if he was approached to serve as vice president? "Before or after I fainted?" Had he indeed made an "absolute commitment" to a state senator to look at a bill with an open mind? "Oh, certainly! Heavens, contrary to what some people in the back of the room believe, I look at everything with an open mind before I vote no." (LAUGHTER).

Reagan played football at Eureka College, near Peoria, Illinois, and his first major role in the movies depicted the famous Notre Dame halfback George Gipp in the 1940 film, "Knute Rockne — All American." He drew on this background to dramatize his troubles with major Democrats in the State Legislature. Speaking to a Republican gathering in Sacramento in 1971, he said: "As you can well imagine, my mind has been turning back to that first time we met under these same circumstances four years ago. Then we were in the first month of a brand new administration. Now it is the first month of a second term and we are all a little older, a little wiser — and still a few votes short in the Legislature.

"I have an abiding love for the game. Maybe at this moment I should be drawing a parallel with someone else — a freshman at Notre Dame in the days of Knute Rockne. The squad was so big on opening day of football practice that Rock decided to thin it out in a rather primitive manner. He lined them up in two lines facing each other and put a soccer ball down between them. Then he explained that they would loosen up by trying to kick the ball over each others' goal line. And he made it clear that in the process a few shins might get kicked but football called for courage so that should not stop them. Then he looked down and the ball had disappeared. He said, 'All right, where is it — who took the soccer ball?' The pint-sized freshman said, 'Never mind the ball, Rock — when do we start kicking?' "

Before he left office, Reagan said he had enjoyed good relations with the Capitol press corps — and he had — but he wanted the record to show he had never said, "If you've seen one redwood, you've seen them all," perhaps the best-known statement attributed to him and one often quoted critically by environmentalists. Newspaper clippings quoted him as actually saying during his first election campaign, on March 12th, 1966: "A tree is a tree. How many more do you have to look at?"

On the occasion of his denial, he was pressed to tell the reporters what he did in fact say, and he couldn't resist the opening. "Some of my best friends," he said, "are redwoods."

The official transcript indicated (LAUGHTER).

Morrie Landsberg is a retired associate editor of the Sacramento Bee *and former Sacramento bureau chief for the Associated Press.*

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Curb's improved image for the '82 gubernatorial campaign

By HERB MICHELSON

This is one of a series of articles on possible 1982 gubernatorial candidates.

CARTOON BY PAUL DUGINSKI

The shot was a basic television cutaway to relieve the tedium of a single, talking head. In this case, on this Thursday evening in July in Detroit, the head belonged to the man the Republicans had nominated for the presidency. Ronald Reagan was telling the Joe Louis Arena how he'd handle his native land.

Cutaway to his left rear. To the attentive Missus. To the children in adult bodies. To a man seated in front of the Missus and the Children. The man is in a dark suit, always in a dark suit, as if casting a shadow on himself. The man, within feet of the Candidate, comfortable in the grip of the rostrum's power, ennobled by this oft-repeated cutaway is Michael Charles Curb, who will be 36 years old this Christmas Eve and perhaps by then gearing up to run the Reagan inaugural program.

It is all going so well now for Michael Charles Curb, currently on hold as California's lieutenant governor, just as the talking head was on hold as California's governor a decade ago. The comparison is obvious because the selection process was the same: the search by California's Southern California GOP nobility of a man to match their political mountains. Michael Charles Curb was not precisely cloned from Ronald Wilson Reagan, but the same laboratory was used. Better politics through chemistry.

There are, to be sure, essential differences. Curb does not mind the long hours and the hard work that Reagan disdained. On the other hand, Reagan came out of the lab with more maturity and was thus less mistake-prone. It took a while, nine months or so, for the chemists to remove the Curb foot from the Curb mouth. Ah, but now they have ignition.

"Right now everything looks very positive to me," Curb says. "Let's just see if this momentum continues for two more years." Make that for the next four semi-annuals. Curb says he views his career in six-month blocks. So please do not talk to him too much right now about the gubernatorial election of 1982. Get Ronald Reagan elected president, he says, and then let's think about '82. Or, get the Republican Party unified in California, and then let's see. Or, stay on the road and make speeches and raise funds for other candidates, and then maybe perhaps we can talk about the next governor's race.

Curb toys with you about '82. But toying is part of building the momentum; toying is the A side of this Mike Curb single. Yet he doesn't wish you to go away without playing a few bars of the B side, to wit:

"It would be inappropriate of me to declare for governor until after Ronald Reagan is elected . . . There are 200 members of my Lieutenant Governor's Club who each pay $500 a year in dues . . . In May, I took a poll to see if it would be conducive for me to have expectations. You can't believe how beneficial the numbers in that poll are . . . As of last April 1st, I'd served as acting governor for 173 days. That's a lot of experience in that job . . . You can't overlook my name identification, my recognition factor. Not after all those Johnny Carson and Bob Hope jokes about Brown and Curb, you can't."

"Mike has turned out to be a lot sharper than we thought when he first came to Sacramento," says an astute Republican assemblyman. "He's hard as nails. You can't sidetrack him from his ultimate goal, the governorship. And right now it doesn't look like he will be sidetracked — not by Bill Campbell, not by Ken Maddy, not even by George Deukmejian. Only Duke could budge him in the Republican primary, but I

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don't think he has the guts to do it. Duke isn't acting like he wants the governorship, and Mike is. Duke isn't doing the hard work, the day-to-day stuff you have to do to win that race, and Mike is."

The assemblyman who is saying all of these swell things about Michael Charles Curb only two years ago supported Mike Antonovich against Mike Curb in the GOP primary for lieutenant governor. Curb has grown on him — as a matter of political reality.

A faulty start

Only one year ago, a poll by Mervin D. Field showed that "a big majority of the California public" found about as much meaning in Mike Curb as they did in Elmer Fudd.

"Should Curb's actions as acting governor be limited?" inquired Field's interviewers. Even 57 percent of Republicans queried said, "You betcha." And what, pray tell, asked the pollsters, was the "motivation for Curb's actions as acting governor"? Even 45 percent of the Republicans surveyed said, "Ink! The man wishes to get more attention."

That he got. Whether he wished to or not.

"There was no real public perception of me when I first took office," Curb says now. "Then when I started making appointments and taking actions on issues in Jerry Brown's absence, there was a perception of me. Some liked me, some didn't. Some wondered if I had a purpose in what I was doing." But at least, says Curb, his name came to be known. "And the perception of me now is 100 percent better than it was a year ago. The people look back now and say, 'Hey, Mike Curb didn't do badly in those 173 days he was acting governor while Jerry Brown was out there running around in the presidential campaign.' The state," concludes Curb, "has survived."

Curb has too. He early on paid the price of inexperience and, probably, overconfidence. He insists that he had to be assertive in those first few months in office to force Brown into a détente. "Better to be involved in something than to do nothing," Curb says. Even though he was elected to a nothing kind of job.

The folks in the Southern California lab at first wished to rush Curb into the governorship in 1978. They'd started Reagan at the top in 1966, so why not run Curb up the flagpole immediately? They organized themselves, in the early spring of 1977, as "Friends for Mike Curb." Their number included such Reagan lab chemists as Holmes Tuttle, William French Smith, Jack I. Courtemanche and Ron's adopted son Michael. Curb already had been toiling in the GOP fields for a couple of years, bringing to the presidential campaigns of Reagan and Jerry Ford a certain skill at packaging fund-raisers and galas. Curb brought to the party itself the basic credentials of self-made man/Americana: the commercial jingle writer who became a highly successful record-company executive before turning 30. But Reagan in '66 was bigger than Curb in '78, and so the boys in the lab settled for the second spot, sensing with accuracy that incumbent Lieutenant Governor Mervyn Dymally was far more vulnerable than Brown.

Grandmother's influence

Curb's grandfathers were a Baptist minister (paternal) and YMCA manager (maternal). His father is a former FBI agent-attorney. Curb was born in Georgia, came west to Compton at the age of five. He recalls with fondness his maternal grandmother, a Chicana from Laredo, a sort-of volunteer political organizer in Compton, a woman "who would go up and down the streets on election day yelling at people to get out and vote and always staying on my back to do things for other people." Eloisa Salazar Stout died not long before her grandson was elected to the number two job in the nation's number one state.

Before taking on Dymally, it was necessary to brush aside the right-flank primary intrusion of Assemblyman Antonovich. Antonovich accumulated all of $172,602 (plus loans totaling $25,000) for that June campaign. Curb's kitty was $456,896 (plus loans of $533,250, including a Curb personal loan of $55,000 and a Mike Curb Productions, Incorporated, loan of $165,000.) While Antonovich was raising such contributions as $625 from the H & L Tooth Company of Montebello and $150 from San Marino homemaker Grace Woodrow, Curb was picking up $5,000 from Pat Boone, $1,250 from Frank Sinatra and $3,000 from Mr. and Mrs. Ken Rietz.

It is important to understand Rietz's role in Curb's political scenario. Five years Curb's elder, Rietz had the scent of Watergate about him when Curb met him in 1972, for Rietz had supervised a few apprentice plumbers in the 1972 Nixonian plan to snuff the Ed Muskie candidacy. Later, when McGovern rushed in where Muskie feared to tread, Rietz managed a few campaign-harassing tactics. (It was Rietz who was Curb's chief of staff on the convention program committee in Detroit, and Rietz who, if he wishes, could be Curb's chief of staff of anything.)

Rietz first met Curb on the Nixon campaign trail. "Mike had volunteered to organize voters under 30 for Nixon. Then we wanted him," says Rietz, "to contact celebrities for a rally at the Miami convention. I personally hadn't dealt with record industry or show business people before. And all of a sudden here I was working personally with a guy who had become president of a major record company at a very young age."

Joining forces

The two men were compatible. Late in 1973, Rietz joined MGM as a vice president, then fit well into the Mike Curb Productions hierarchy. Eventually, as Rietz puts it, "We started talking a lot about Mike's political interests, his political intentions. I don't think he saw himself as a candidate until after his work as Reagan's state chairman in 1976. It was apparent to me — after Mike's work with volunteers and at rallies — that he could really turn on people. Excite them."

And when Reagan lost the nomination to Ford, Curb simply began trying to turn on the losers; he was Ford's unity chairman in California and his good works from San Diego to Weed did not go unnoticed. The kid millionaire was helping Ford and also introducing Republicans all over this state to Michael Charles Curb.

Despite the disparity in bucks, Mike Antonovich was no pushover for Curb. There was solidarity on the GOP right, and Curb struggled to win by about 170,000 votes. The ousting of Dymally was much easier. Curb's contribution-loan total was $636,216, Dymally's $543,040. In the fall campaign, Mike Curb Productions, Incorporated, delivered a $200,000 loan. Much of the Curb loan money in the primary and general was presented with a pay-back interest rate of 8 percent. "It's legal and it's smart," says a source with the Fair Political Practices Commission. "A lot of candidates lend their campaigns money, sure, but how many of them are bright enough to charge their campaign interest?"

'Pushing' Brown

Curb beat Dymally by about 565,000 votes in November 1978, setting the stage for a two-month prelude to his first six-month phase in office. The quickie phase was, in a sense, media-inspired and, in retrospect, it bordered on the silly. Because of the returns, California would, for the first time since 1895, have a governor and lieutenant governor of different parties. And because the governor was more interested in running for president than being governor, this meant the lieutenant governor would frequently be in

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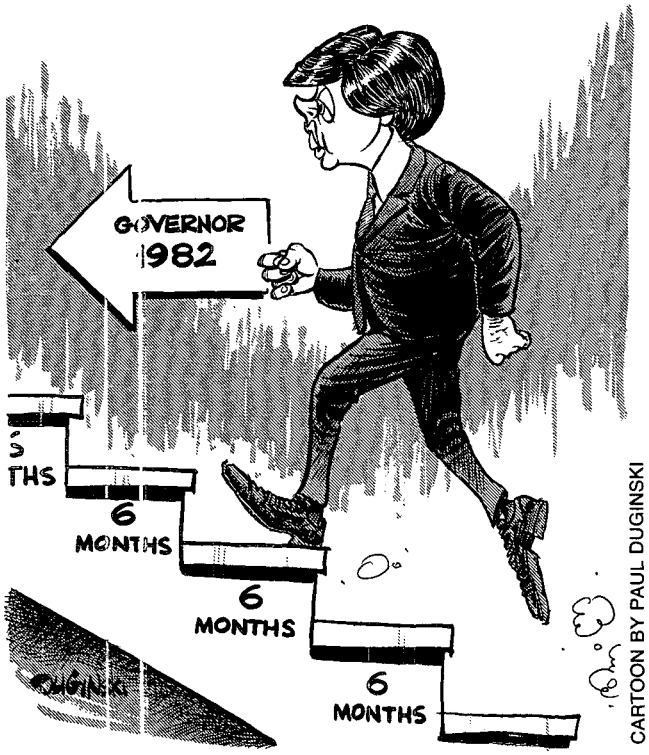

CARTOON BY PAUL DUGINSKI

charge and ran rampant. Would Brown and Curb cut a deal? And if they didn't, would Santa Barbara fall into the ocean and Interstate 5 be closed between Bakersfield and Redding?

No deal was cut. And so, says Curb, he felt it incumbent upon him to 'push" Brown into recognizing that when "the governor is gone, the lieutenant governor must step in. Jerry just didn't want to deal with this reality," says Curb. "So I handled it in the best way I knew how. I hoped that eventually the state Supreme Court would settle it (the lieutenant governor's powers in the absence of the governor) once and for all. I wanted to force this issue to a court test."

Which, in the second six-month Curb phase, is what happened. Brown tested and lost. But by then, there was harmony anyway. By then the memories of Curb appointing a judge and Curb mandating lower air-quality standards for oil refineries and Curb rushing around to sign orders before Brown's plane crossed back into California had faded. The new phase in Curb's career was heralded by three key events:

• **Improved rapport with the governor's office** — with chief of staff Gray Davis more than with Brown. "We tried to develop a working relationship with Curb right away," says Davis. "Lots of meetings and discussions. Then he cast the first stone with his attempted judicial appointment of Armand Arabian — an action totally without precedent, an action totally unexpected. And that soured things between us.'

Then, in the early summer of 1979, a desouring occurred. "Rietz, Curt and I had dinner to discuss the relationship between the offices," says Davis. "And it quickly turned into more of a discussion of mutual frustrations — into a therapeutic session, actually. "They said they'd spent upwards of two million dollars to get that office and they were frustrated about what they could and couldn't do."

Davis gives the impression that once all the hair was let down, everybody started getting along. Eventually Curb's little cluster of boards and commissions, which — if nothing else — meet and give him meetings to go to, were enhanced. And Curb was given an opportunity to make several appointments to these enhancements.

Rietz puts the rapport matter another way: "Once Gray Davis realized that Mike had guts, they reached accommodation. The governor's office had to be convinced that Mike is not afraid to make decisions."

"Since that dinner," says Davis, "Mike Curb has matured in office and acted in a responsible manner. Not that we always agree with his actions. But at least there are no surprises any more. "Interestingly, there were a number of times during Jerry's presidential campaign that Mike was under great pressure to take actions that we wouldn't like. That dispute between the L.A. supervisors and L.A. mayor over the transit strike, for example. He'd been asked to call a special session of the Legislature to resolve that. But he did the responsible thing. He consulted with us; we told him it wouldn't be responsible to call a special session; and the dispute itself was settled in the next few days."

• **Charges of scandal survived.** In May 1979, the *Sacramento Bee* and then the *San Jose Mercury*, reported that the Internal Revenue Service was probing a charge that Curb's MGM records sold thousands of platters illicitly at discount prices to four organized crime figures. Three months later the Attorney General's office pooh-poohed the whole thing, amid complaints that its investigation was not exactly vigorous. Looking back, Curb says, "That was the first time anybody ever questioned me in that manner. But the end result was in my favor because I was absolved." He has compiled a scenario of how the media jumped after him in this case, and he suggests a conspiracy. Curb stops short of saying that Brown and Davis etched the record-company charges, but he does say, "They took their best shots, and I took mine. They took every shot they could. They're a lot tougher and a lot more political than the public gives them credit for. And that's all I'll say."

Davis will say more: "That's nonsense. This office had absolutely nothing to do" with those charges. "Sure, the potential for Curb to be disruptive toward Jerry was there — but not enough to play what he calls hardball. We never even commented out of this office on that situation at the time. And to this day, we've said nothing."

• **GOP infighting, with few scars.** Curb seems to have come through recent GOP battles for legislative leadership just fine too. He backed Carol Hallett when she unseated Paul Priolo as Assembly minority leader. And he was quietly in the corner of H. L. Richardson in a Senate GOP caucus tiff.

He won one and lost one, but the win is now perceived as bigger than the loss. Now, during an election year, Curb is portraying himself as a team player. In the primaries he worked for Republicans in 15 legislative races and picked the right candidate in 14 of them (losing one upset race in a Contra Costa Assembly district.) Whatever number of these 14 Republicans are elected in November, they'll think kindly of Curb.

"Mike Curb is so unselfish," says Carol Hallett. "He'll do a fund-raiser whenever anyone asks. He's taken care of the campaign deficits of others before taking care of his own — and I hadn't seen that in politics before."

Curb was called on to help stage fund-raisers for failed presidential candidates in late spring and early summer. Those galas for the combined debts of Bush-Baker-Crane-Dole-Connally were, to a not-small extent, Mike Curb Productions productions.

Hallett says she is convinced that "if everything keeps on its present course, Mike Curb will be our next governor. It's unfair to try and discourage people from running, I know, but if Mike runs I'm assuming he'll be our nominee and he'll win in November of '82. By then I'm sure people will be inclined toward electing a businessman."

And by then, with Curb's control over the state GOP hierarchy, he could be the governor of us all.

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A woman governor, March Fong Eu, in '82?

By KERRY DRAGER

This is one of a series of articles on possible 1982 gubernatorial candidates.

Consider this scenario for the 1982 Democratic gubernatorial race: The major candidates are state Controller Ken Cory and Los Angeles Mayor Tom Bradley, both from Southern California, and Secretary of State March Fong Eu, a recent transplant to Los Angeles. Cory and Bradley cancel each other out in the primary. Eu emerges the winner.

Improbable? Perhaps. But, as one Democratic state senator notes, that scene is similar to Eu's first statewide race — for secretary of state in 1974. "She was the northern candidate and there were two very active southern candidates who split the southern vote between them," he says. "She won the general in what was essentially a Democratic year with a very big vote because she appealed to women in both parties."

Two years before the election, with Governor Brown not likely to seek a third term, there is no clear leader for the Democrats. But March Fong Eu, once known as the "potty lady" for her crusade to ban pay toilets in public places, has become a probable candidate for governor in 1982. And she has done surprisingly well in the polls. Despite criticism that an alter ego — deputy Michael Gagan — directs the show in the secretary of state's office, most observers agree on two Eu attributes: her ability to win elections and her skill at generating publicity.

Smashing a toilet

After serving on the Alameda County Board of Education for 10 years, Eu was elected to the state Assembly in 1966 and won re-election three times. In the 1974 and 1978 elections for secretary of state, she received the highest number of votes of any constitutional officer. A defeated opponent once remarked, "She has developed the art of politics to a rare degree — the art of getting re-elected."

Eu's publicity schemes are legendary. The hoopla surrounding her campaign to rid the state of pay toilets culminated with Assemblywoman Eu shashing a toilet on the front steps of the Capitol. In 1978, as secretary of state, her office arranged with private firms — such as McDonald's and Sambo's restaurants — to promote voter registration. Voter application cards were even attached to bags of Granny Goose potato chips. As California's chief of protocol, Eu has met with visiting dignitaries and has stumped the state promoting international trade of California's agricultural products. And she convinced Muhammad Ali — one of her neighbors in the exclusive Fremont Place district of Los Angeles — to make a register-to-vote television spot with her.

In a California Poll last May, a number of Democrats placed ahead of Eu in name identification among the public: Jerry Brown, tax-cut leader Howard Jarvis, Tom Bradley, state Treasurer Jesse Unruh, San Francisco Mayor Dianne Feinstein and Assembly Speaker Leo McCarthy. However, Eu's "image index" (favorable versus unfavorable responses) was tied with Bradley for the highest among that group. And her unfavorable rating was the lowest among those Democrats who ranked higher in name recognition. That is an important factor, notes pollster Mervin D. Field: "It is much easier to build on a base of no impressions at all once the campaign starts than it is to overcome an accumulated negative image."

Of the poll, deputy Gagan says: "It confirms what we've known — that March's support probably is very wide but, at this stage, not terribly deep. But the Field poll historically does not sample the Central Valley too strongly. There are in excess of a million voters in the Central Valley, and March is extraordinarily popular there."

On the springboard

Last year, Eu led the Democratic pack in a survey concerning the most effective person to endorse Paul Gann's spending limitation issue, Proposition 4. The poll, conducted by Decision Making Information of Santa Ana, showed that Eu had the highest credibility score among top Democrats. Such a credibility survey, says Gagan, "is a dimension you have to consider."

Eu wouldn't be the first ambitious secretary of state to use the office as a springboard to a bid for the governorship. She once said, "Even as a kid, I went out for class president, cheerleader — anything that I could do to lead the pack." On occasion, Eu has criticized Governor Brown, citing his "hick-town vision" pertaining to economic development — especially his international trade efforts. Such criticism of a governor of her own party has been viewed as a possible prelude to a gubernatorial campaign. And her recent move to Los Angeles could be construed as a bid for the vital Southern Californian image, deemed by many as necessary for any candidate for governor.

Eu notes that the governorship or U.S. Senate are the "logical steps" of progression. "But I'm not making any plans about what I'm going to run for in '82." At the moment, Eu says, she's just looking toward re-election. Adds Gagan: "I would say the possibility of her running for U.S. senator is rather remote . . . A lot depends on the landscape two years from now. It's simply a matter of keeping one's options open."

Many observers say that Eu could be a viable candidate. "I think the people in the state have recognized her as a good administrator," says Democratic Assemblyman John Thurman of Modesto. "She's headed several commissions on giving more trade to Asia for agriculture. She has a good agriculture base." Adds Democratic Senator Paul Carpenter of Santa Ana: "The last two times she has run statewide, she's run very strong. The polls have suggested that she has extraordinary support among women."

However, running for governor is not the same as running

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for secretary of state. "It's a big jump," says Democratic Senator Alan Robbins of Van Nuys. "She would probably be running in a field that would include some candidates who might be too heavy for her. Bigger names. But she has a natural constituency that's strong — women, Asian."

March Fong Eu, 58, is the daughter of a Central Valley laundryman and the wife of an international businessman. A dental hygienist who holds a doctorate in education from Stanford University, she served three terms on the Alameda County Board of Education, from 1956 to 1966. Eu was elected to the state Assembly in 1966 to represent Oakland and Castro Valley, and was re-elected in 1968, 1970 and 1972.

During those years, she became known statewide for her crusade to ban pay toilets as sex discrimination. She once defended her pay-potty campaign by saying: "Politicians who won't take care of the small needs of people will not satisfy the large ones, either." (Following her successful race for secretary of state, she scoffed at suggestions that "she rode to victory on a toilet seat.")

As an assemblywoman, Eu chaired the Assembly Select Committee on Agriculture, Food and Nutrition. Eu, who supports the Equal Rights Amendment ("I think I live it," she once remarked), championed such causes as abortion counseling in hospitals, family planning services and sex education in the schools. While she characterized them as "hard issues," male colleagues often called them lightweight "motherhood issues."

Bob O'Sullivan, Eu's district administrative assistant from 1971 to 1974, notes: "There were unique problems related to both her sex and ethnic background that made working within the context of the Legislature a little more difficult for her. Many committees were used to having their own committee sessions in the Sutter Club which didn't allow women. And a fair amount of what really happened in the Legislature takes place in bars and clubs where female members are not normally a part of the action."

Little authority

In 1974, March Fong Eu became the first person of Chinese descent and only the second woman (the late state treasurer Ivy Baker Priest was the first) elected to constitutional office. Eu garnered nearly 3.5 million votes in the 1974 election to lead statewide officers. She was re-elected as secretary of state in 1978 and again was the biggest vote-getter, with more than 4 million. Eu says of her success: "I'd like to think what I'm doing is a good job and that the voters know I'm doing the job."

The office of secretary of state has long been viewed as one of little authority. It's been called a "filing agency" which comes alive only during election time. Such a somber position could be a drawback for someone with loftier political ambitions. "There aren't too many things that the job enables me to do innovatively," Eu says. "I can't develop new programs without going to the Legislature and getting approval. It weakens me politically to want to do certain things and not be given the freedom to do them."

Indeed, some see the secretary of state's office as almost running itself. "I don't think that job is very demanding or gives one any kind of opportunity to show what they could do as governor," notes Democratic Assemblyman Art Agnos of San Francisco. "It's just a routine job that doesn't take a special kind of expertise. It's mostly civil service people doing perfunctory jobs."

Likewise, the office traditionally has been one of low visibility, particularly during the decades-long reign of the Frank Jordans, father and son. Then came Jerry Brown, who drained the office dry of political-reform publicity during the Watergate-sensitive years of the early '70s. March Fong Eu has used voter registration campaigns to her advantage. (She favors same-day registration, but doubts the controversial proposal will come about.) Eu also has made her mark through her position as California's chief of protocol.

In late 1975, by Brown's executive order, Eu became the state's designated representative on "economic, cultural and social" matters. Through that function, she says, "I see myself as a public relations advocate for the notion of international trade. Foreign investment in California means California jobs." Her role is a natural one, as her husband, Henry Eu, has vast business holdings in Southeast Asia.

Eu has succeeded in turning the routine secretary of state's job into one of relatively high visibility. "She uses the office quite well," says Republican Assemblyman Eugene Chappie of Yuba City. "Around election time, she comes out with her predictions, her analyses and prognostications."

Eu has been termed "very conscious of her public image"

("terribly so," adds one former aide). She often speaks before clubs and other organizations on the duties of her office or on "any other subject they might ask for," notes one Eu staffer. One such speech is entitled "Secretary of State and Eu."

When it comes to publicity, Eu also has help from her staff. Earlier this year, for example, the Brown for President headquarters in Massachusetts sent a mailing over the governor's signature addressed to "Mister Eu." Her response: "Dear Pat" (a glaring misreference to Brown Senior), "I think you've been out of the state too long."

Caren Daniels, Eu's media director, tipped off the *Sacramento Bee* about the Brown-Eu exchange. "We thought it would be a good scooper (gossip column) story," Daniels says. Who wrote Eu's retort? "It was a combination of Mike Gagan and myself. We thought we should write a tongue-in-cheek response." The result was a short feature, with a picture of Eu, in the *Bee*.

Despite the rather mundane work inherent to the office, Eu's administration has had its moments of notoriety. The biggest controversy came when Eu, as California's chief elections officer, refused to certify Superintendent of Public Instruction Wilson Riles for the June 1978 primary ballot. Eu claimed that Riles had failed to file all the formal documents needed to qualify him for the ballot. Riles took his case to the California Supreme Court and won a place on the ballot.

Meanwhile, Eu and Governor Brown exchanged barbs over the matter. Brown said it would be "absurd" to make

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Riles run as a write-in candidate because of "one piece of paper." Eu called Brown's criticism "incredible," suggesting the governor was implying that she should break the law. While the high court ruled 5-2 in Riles' favor, it also pointed out that Eu had no other alternative than to act as she did.

An earlier problem arose over bilingual ballot pamphlets. An appropriation of more than $200,000 was put through the Legislature to cover the cost of printing 500,000 non-English pamphlets. Actual requests, however, totaled only 10,000. She was criticized for mismanaging implementation; her blanket-coverage approach was called unnecessary. Eu replied that there was no valid way to determine how many pamphlets were needed.

An especially embarrassing foul-up resulted in the postcard registration program, established in 1976. Eu's office accepted a list of unregistered voters from the AFL-CIO. After the postcards were mailed, it was found that some persons noted on the list were dead and that others were registered already. Eu was even mailed a card herself. She explained that it was one of those things that happens under severe time constraints.

Gagan's role

Still, the reviews of her performance in office are generally favorable. "She's been a fine secretary of state," says Assemblyman Thurman. "I think she has done a very good job," notes Senator Carpenter. "She's probably been at least as good as anyone in the last four decades, maybe better," adds Senator Robbins.

One cannot talk long about Eu's political career without, almost simultaneously, discussing the role of Mike Gagan. From Eu's days as an assemblywoman to the present, he's been there — each step of the way. Officially, Gagan is the deputy secretary of state, the second in command. His job is to draft policy decisions for the office. Unofficially, some say, Gagan pulls the strings.

"He acts as her alter ego," says a former assemblyman. Asked if Gagan is, indeed, the man in charge and that Eu is primarily a figurehead, one Democratic state legislator replies, "Completely." The way she generates publicity? "Very nicely." And who's behind that? "Michael," he says.

A veteran Capitol reporter notes: "Gagan is terribly innovative. The serious side of her legislative career, the program side — most of it was Mike's idea. But he certainly hasn't done anything she wouldn't want. And he is perfectly happy to let March have the glory. They make a good team."

Gagan acknowledges his strong role in the Eu administration. "I've been with Ms. Eu for 14 years," Gagan says. "I know as much about her politics and her policies as anybody could possibly know. There's no doubt that I'm the chief policy adviser to her. There's no doubt that when she is not available to make a command decision I do not hesitate to make it myself. However, I am not a surrogate secretary of state. I do what I'm paid to do and that's to devise the policies that govern the office. But when we have our differences of opinion there's no question who prevails."

While Eu often is seen as staid and aloof, Gagan comes across as hip and accessible. Disagreement may arise over the extent of Gagan's power, but most agree that he's bright and articulate, a good staff person.

Former aide O'Sullivan says that Gagan, "a good policy person," has the strongest political and administrative influence on Eu. "But I can tell you she quite definitely has a will of her own. She's nobody's puppet."

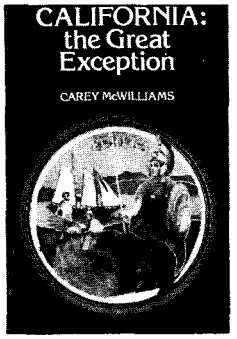
It has been suggested that Eu changes direction when the wind blows strong. Early in her secretary of state career, for instance, Eu ran into controversy pertaining to enforcement of the 1974 Political Reform Act that requires expenditure forms from candidates, lobbyists and employers of lobbyists. Her enforcement of the act was described as carefree. Lobbyists were imposed fines for late filing. But, later, those fines were reduced or dismissed.

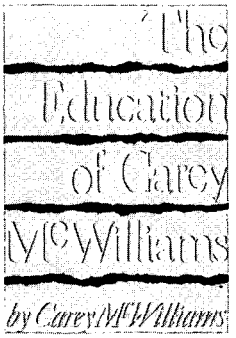
One state senator notes: "I don't know anybody who doesn't like her. One of the reasons everyone likes her is that she doesn't threaten anybody. Very few people in elective office really fear her as a competitor." Others, though, describe Eu as a "very tough lady." Notes Senator Robbins: "I worked with March Fong Eu when she was in the Legislature. She doesn't change with the wind. She's tough." One former aide declined to criticize his ex-employer too harshly, quoting a statement of Eu's that is often attributed to "hardline" politicians: "Never shoot them unless you can kill them." He adds, "It's a valuable lesson that I learned from March."

March Fong Eu points out a couple of elements that have worked in her favor. "I now recognize that I am probably more visible being a woman and being Asian," she says. "It's a unique combination of factors." Indeed, if she were to win in '82, she would be California's first woman, first Asian governor.

And few observers are counting her out. Says Eu's former campaign manager, Les Johnson: "Her M.O. is to look at the primaries. She waits to see if she can split the vote, like she did when running for secretary of state. Eu waits for opportunity to happen."

Special offer on books by Carey McWilliams





The recent death of Carey McWilliams, long-time editor of *The Nation* magazine and author of classic books on California, has rekindled interest in his writings. The **Journal** has two of McWilliams' books available at special discount prices:

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NOVEMBER 1980

California Journal Ballot Proposition Analysis

By California standards, the proposition lineup on the November 4th statewide ballot will be fairly tame. Only one initiative, one restricting smoking in public buildings, qualified for the ballot. And the only other highly controversial measure deals with the proposed Peripheral Canal in a manner that will be difficult for the voter to decipher. There will be nine other propositions on the ballot including two bond measures, three plans to make minor revisions in the Jarvis-Gann property-tax initiative and measures dealing with insurance, drinking-water funds, judges and juries. (At publication time, Proposition 11 still required legislative action to make the November ballot. If it does not qualify for November, it will be on the June 1982 ballot.) A simple majority vote will enact any of the propositions, including the two bond issues.

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1 Park Acquisition and Development Bonds

This proposal would provide for the issuance of $285 million in bonds for the expansion of state and local park facilities.

Background: By a 53-47 margin, California voters last June rejected a proposed $495 million bond proposal for park acquisition, wildlife conservation and wastewater reclamation. In the past 16 years California voters have approved a series of park and recreation bond measures totaling $750 million. The June bond plan varied from previous measures by including wildlife conservation and water reclamation features. In an effort to make the park plan more attractive, the Legislature trimmed the total to $285 million and made the measure similar to traditional park measures. Here is how the funds would be distributed:

- Grants to local government, $85 million.
- Improvements to the state park system, $70 million.
- Acquisition and development of coastal properties, $90 million.
- Agricultural protection on the coast, $10 million.
- Grants for urban parks, $30 million.

Arguments: This proposition is a direct response to public demand for additional state and local recreational facilities, according to Senator John Nejedly, author of the measure. He emphasizes that recreational tastes have changed, and that more facilities are needed for joggers, hikers and cyclists. The bond issue is designed to promote development of lands already owned by the state and local agencies so that overcrowding can be alleviated as soon as possible. The proponents claim that every project will be examined by the Legislature before the funds can be appropriated, allowing for a slowdown should economic conditions call for it.

The opposition contends that Proposition 1 is simply the defeated June "pork barrel" with a new face. Senator H.L. Richardson, prime legislative opponent, claims it is wrong to make so much money available for land acquisition when more than 50 percent of California is already in government ownership. He predicts that if the current trend continues, California will be one big park tied together by bicycle trails. The opponents also contend that crime should be brought under control before more money is spent on urban parks. They argue that this is a poor time for the state to go $500 million (including interest) in debt, especially when government purchase of land places a greater tax burden on the citizenry.

2 Lake Tahoe Bonds

This proposal would authorize the issuance of $85 million in general-obligation bonds for the purchase of property in the Lake Tahoe Basin.

Background California voters in June defeated a multi-purpose park bond issue that would have provided $25 million for land acquisition in the Lake Tahoe Basin. Following the defeat of that measure, the Legislature approved for the ballot an $85 million bond plan limited to Lake Tahoe.

This bond proposal is not the ordinary parkland expansion measure like Proposition 1. It is designed to allow public agencies to acquire parcels that have been affected adversely by various environmental-protection measures. Existing state law does not provide a source of funding for the purchase of property subject to land-use restrictions. This measure would authorize purchase of private property that has not been developed or subdivisions which have been improved but which contain no structures.

Priority would be given to lands threatened with development that would harm the environment, property providing lakeshore access for the public or wildlife habitat and lands connecting parcels already in public ownership.

Arguments: The proponents view Lake Tahoe as one of the world's scenic treasures and argue that it is a state responsibility to prevent degradation of the lake and the surrounding area. With 22 million visitors a year, the area is strained to the breaking point, they claim. Water and air quality have suffered greatly from development in the basin. Senator John Garamendi, author of the measure, emphasizes that owners will be paid fair value for their property and that public agencies will only be allowed to buy from willing sellers because condemnation is prohibited under the bond proposal.

In opposition, Senator H.L. Richardson argues that this propo-

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sition will preserve Tahoe for the rich because it will limit development and will guarantee that those who already own homes in the area will see the market-value of their parcels rise. He claims the proposal will not solve environmental problems because it will not reduce the pressures on the lake or the air basin. Local government can control pollution, and there is no need for the state to place a burden of $147 million, including interest, on all California taxpayers, according to Richardson.

3 Insurance Guarantee Funds

This proposed constitutional amendment would allow the Legislature to provide tax offsets for funds paid by insurance companies to meet claims against insolvent insurers.

Background: This is the shortest but one of the most complex measures on the ballot. Under current law, companies selling fire and automobile insurance in California belong to a guarantee association. When an insurer becomes insolvent, the other companies provide funds to meet the claims against that company. In the last five years, the association has collected $98 million to pay those claims. Under current law, the funds paid to the association are burdens that must be borne by the insurance firms.

This proposition has two features. First, the Legislature would be empowered to create associations of life, health, disability and other insurers. Secondly, all funds paid to associations could be made deductible from taxes paid by insurance firms to the state. (The insurance tax is 2.35 percent of gross premiums.) Thus it would be the general taxpayers who would indirectly pay the claims of insolvent firms, rather than other insurance companies. The legislative analyst estimates that the loss to the state's general fund would be about $30 million a year.

Arguments: The author, Assemblyman Dan Boatwright, claims this measure will give insurance consumers roughly the same protection depositors now get from federal bank and savings-and-loan insurance programs. He argues that it is not right for those who purchase policies from sound companies to be penalized through higher premiums for the mismanagement of other firms. The state, he emphasizes, is responsible for regulating insurance companies and making sure that they are financially sound. Therefore, it is only fair that the state pay the bill when it doesn't do its job.

The opposition argues that there is no need for any guarantee associations if the state insurance department does its job. Regulation is preferable to taxation, according to Senator John F. Foran. Almost all insurance companies in California are very sound, he contends, and there is no justice in having poorly managed firms subsidized by either well-managed companies or the public at large. Foran also notes that an issue like this is too technical to be decided through a proposed amendment to the state constitution.

4 Waiver of Property-Tax Limits

This proposed constitutional amendment would allow local governments to raise property taxes if voters approve general-obligation bond issues by two-thirds vote.

Background: Under the provisions of Proposition 13, the Jarvis-Gann initiative adopted in June 1978, property taxes are limited to 1 percent of value. The only exception is for voter-approved debt incurred before July 1st, 1978. There was no provision in the initiative for an exception covering bonds approved after that date. This proposition would make such an exception. It would cover general-obligation bonds approved by two-thirds vote to pay for the purchase of property, construction of buildings and equipment for those buildings. The legislative analyst claims it is impossible to assess the fiscal impact of the measure because there is no telling how many bonds will be approved. The analyst indicated that government borrowing costs would be reduced to the extent that higher-interest-bearing instruments are replaced by general obligation bonds.

Arguments: Legislative supporters of the property-tax waiver claim it does not violate the spirit of Proposition 13 because there is total voter control over spending and taxation. The measure, they say, will actually reduce taxes by allowing government to undertake major projects at lower interest rates. The proponents emphasize that bonds cannot be used for operating costs. They add that equipment must be included because a firehouse is worthless without a fire engine and a school cannot function without desks and chairs.

The opponents have directed their fire at the equipment provision almost exclusively. They maintain that the proposal allows for the sale of bonds to buy "tangible personal property" and that can include toilet paper, typewriters and trash cans. They warn that New York went broke because long-term financing was used to pay for current expenses, and they want the bond plan limited strictly to land and buildings. Another negative argument is that this is the "camel's nose under the tent" — the first step in the dismantling of Proposition 13.

5 Reassessment of Property

This proposed constitutional amendment would prohibit reassessment of property purchased or reconstructed as a result of a disaster or certain government actions.

Background: This is the second of three Proposition 13 proposals on the ballot. Under the Jarvis-Gann initiative, assessments can only be raised 2 percent a year, except for new construction and parcels that change hands. The law also exempts parcels affected by disasters proclaimed by the governor.

Under this proposition, there would be several additional exemptions: The Legislature could define which properties were affected by a disaster. There also could be no increase in the assessment of property purchased by individuals or businesses displaced by eminent domain proceedings or other government actions. And property rebuilt to meet government earthquake standards also could not be reassessed.

Arguments: Assemblyman John T. Knox, author of the measure, contends that there is a simple issue involved: whether a taxpayer who is forced to move should have an increased assessment. Knox claims that isn't fair, and that Proposition 13 should be changed as a matter of simple justice. He argues that the exemption in this proposal applies only to events over which the property owner has no control.

The official opposition argument was written by attorney Gary Wesley of Mountain View. He claims the measure perpetuates a basic flaw in Proposition 13 — the reassessment provision that

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has shifted more of the tax burden from business to homeowners. Wesley also feels that the Legislature should not be allowed to define disasters because exemptions will be given to any individual or business with effective lobbyists in Sacramento.

6 JURORS IN CIVIL CASES

This proposed constitutional amendment would allow the Legislature to reduce the size of juries in lower-court civil cases.

Background: California has traditionally followed the common-law practice of requiring 12 citizens to sit on juries in both criminal and civil trials. However, the state constitution does allow the parties to agree on smaller juries in civil and misdemeanor criminal cases. This proposition would allow the Legislature to require that juries consist of eight citizens in all civil cases heard by municipal and justice courts. Parties could agree to smaller panels in open court.

Arguments: The measure's sponsor, Senator Robert Beverly, says the proposal was designed so that the Legislature can establish an experimental program to streamline the administration of justice and reduce court costs. He feels that reduction in the size of juries will help reduce court congestion because the selection process will be quicker and it will take less time to decide cases. The proponents claim that there would be no reduction in the quality of justice because it would still require agreement by three-fourths of the panel (6 of 8 instead of 9 of 12) to reach a verdict. As evidence, Beverly reports that smaller juries are now used in 38 states and some federal courts, even in major cases, with no deterioration of the quality of justice.

The opposition maintains that Proposition 6 is designed as a first step toward the elimination of the jury system in California. Assemblyman Willie L. Brown Jr. claims that some judges supporting the proposal would prefer to decide all cases themselves rather than to employ the jury system. Brown emphasizes that the measure will only save about $83,000 a year, and he argues that this does not justify the sacrifice of a traditional constitutional right. The opponents also claim that the measure would establish a two-tier system of justice because the size of the jury will be determined by the amount of the claim. Brown adds that a larger jury gives the parties better justice because such a panel is more representative of the community.

7 SOLAR-ENERGY PROPERTY TAXATION

This proposed constitutional amendment authorizes the Legislature to give special property-tax status to active solar-energy systems.

Background: This is the third proposition that would make relatively minor alterations in Proposition 13. Under the Jarvis-Gann initiative, assessments may only be increased 2 percent a year unless the parcel is transferred or "newly constructed." This measure would prohibit reappraisal when an active solar-energy system is added but would have no effect on assessment of properties with solar-energy systems when they are sold.

Arguments: The pros and cons on this measure are quite simple. The proponents claim that it is sound policy for the state to encourage the use of solar energy, especially for space and water heating. The reappraisal feature of Proposition 13 is a deterrent to the expansion of solar-energy use. The opponents argue that there should be no tampering with Proposition 13 and that this would set a precedent for more exemptions in the future.

8 WATER DEVELOPMENT AND PROTECTION

This proposal would place in the state constitution provisions designed to protect the Northern California environment if the Peripheral Canal is constructed.

Background: In 1960, the state began construction of the California Water Project. In essence, northern water is transported south via the California Aqueduct after working its way naturally through the Sacramento-San Joaquin Delta to a pumping plant near Tracy. The Legislature this year passed SB 200, authorizing construction of the Peripheral Canal around the delta so that more high-quality water may be sent to the San Joaquin Valley and Southern California. Some Northern California interests have opposed the canal on the ground that it will harm the ecology of San Francisco Bay and the delta by reducing water flows through these areas. This proposition is designed, in part, to protect these waterways once flows are determined by humans rather than by natural forces. An effort is under way to force a public vote on SB 200, and this proposition would not be placed in the constitution should SB 200 not become effective.

Specifically, this proposition would prevent the Legislature from enacting statutes that would reduce environmental protection for the Bay-Delta system. It would also prohibit the extraction of water from wild and scenic rivers on the North Coast, except by a vote of the people or two-thirds of the Legislature. Third, water rights in the delta would be protected from condemnation. Finally, legal actions to block the canal would have to be brought within one year in Sacramento County, and these cases would be given priority during the appeals process. This last provision was sought by proponents of the canal.

Arguments: Voters throughout the state are apt to be confused by this measure. It is not a straightforward vote on the canal itself. Is a vote for Proposition 8 a vote for the canal? Or is it a vote primarily to protect the north?

The measure is supported by the mayors of San Francisco and Los Angeles, by water districts in Orange, San Diego and Contra Costa counties, by the League of Women Voters and by the San Francisco Bay Conservation and Development Commission. It is opposed by the California Chamber of Commerce, the Farm Bureau Federation and by the Association of California Water Agencies.

The proponents claim this proposition is designed to guarantee an adequate water supply for Southern California and the San Joaquin Valley while protecting the environment of Northern California. They add that there will be no need to tap the North Coast rivers for 30 to 50 years. They also indicate that passsage of this measure will make it easier to secure public support for a financing plan for the canal and related projects at some future date.

The opponents are primarily concerned that the restrictions against development of additional water supplies could be extremely harmful to the economy of the state. They argue that this measure puts the water system into a straightjacket for the benefit of "environmental elitists" and will result in higher water costs

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and thus higher food prices. Some canal opponents claim the protections will be waived under drought conditions and that the only meaningful provision in the bill is the one that will accellerate court actions.

9 DRINKING WATER BOND LAW

This proposal would allow the Legislature to provide additional grants to local agencies for the improvement of drinking-water systems.

Background: In 1976, California voters approved a $175 million safe-drinking-water bond issue to improve the quality of domestic water in the state. The law required that $160 million be used for loans and no more than $15 million for grants (with a maximum of $400,000 in grants to any single recipient). At the start of the current fiscal year, $9 million remained to be allocated in grants. This proposition would increase the grant allocation from $15 to $30 million. Any funds not allocated by November of 1982 would revert to the loan account.

Arguments: Assemblyman Richard Lehman, author of the proposition, claims the additional grant funds are needed because recent discoveries indicate that a great deal of the state's groundwater supplies have been contaminated by industrial chemicals. He claims that grant funds will soon be exhausted, and some communities will not be able to clean up their water without state aid. He adds that no agency will receive more than $400,000 and that the proposal contains a 1982 "sunset" clause.

Senator John Schmitz contends that Proposition 9 is a tax-eating boondoggle and that local water problems should be handled by local government. Other opposition arguments: The measure does not provide contamination standards; it does not specify which cities will receive the money; it does not guarantee that funds will be used exclusively for improving drinking water rather than for administrative overhead.

10 SMOKING AND NON-SMOKING SECTIONS

This proposed initiative statute would require the establishment of smoking and non-smoking sections in most buildings.

Background: Proposition 10 is a revised version of the smoking initiative rejected by the voters two years ago. It is sponsored by the Cancer Society and other health organizations. Under current state law, smoking is restricted only in retail food stores and some government buildings. Starting in January, smoking will be prohibited in certain areas of privately owned health facilities. Main provisions of this proposition:

- Smoking and non-smoking sections must be established in many additional buildings, such as stores, restaurants, places of employment and educational facilities. (Smoking would not be limited in homes or outdoors.)
- The state Department of Health Services would implement the statute. The department would determine where it would be inappropriate to limit smoking and where an entire facility should be designated as a non-smoking area.
- Partitions would not be needed to separate sections. Employees who request non-smoking areas shall be accommodated. Signs would be posted to designate areas. (No-smoking signs would be used in private buildings; smoking-permitted signs would be required in government buildings.) Government agencies could not spend more than 50 cents per sign.
- Violation of the law would be an infraction carrying a maximum fine of $15.

Arguments: The sponsors of Proposition 10 contend that there is clear medical evidence that non-smokers are harmed by other people's smoke. They claim that this is a reasonable measure that protects the rights of both smokers and non-smokers. They point to studies that government and business will save many millions of dollars in medical costs, sick leave and smoking-caused fires.

The opponents claim that Proposition 10 will be very expensive because of the hidden administrative costs in the health and police departments and in court budgets. They argue that taxpayers will be giving up control over smoking regulations to political appointees and bureaucrats. Other health services, they say, may have to be reduced to enforce this law. They call Proposition 10 "a misleading and costly overkill approach to a minor social annoyance."

11 SALARIES OF JUDGES

This proposed constitutional amendment is designed to overturn a recent court decision giving some judges higher salaries than others.

Background: Before 1976, judges were given annual pay increases based on the consumer price index. In an economy move, the Legislature in 1976 placed a 5 percent lid on raises for judges. Some judges sued, claiming that they were entitled to the full cost-of-living hike. The state Supreme Court ruled recently that the 5 percent limit was illegal when applied to judges serving terms that started before the limit was imposed. As a result of that decision some judges are now earning substantially more than colleagues of equal rank. This proposition will equalize the salaries in accordance with the 5 percent formula and give the Legislature the authority to establish salaries in the future.

Arguments: The proponents claim it is ridiculous to pay some judges significantly higher salaries than their colleagues of the same rank because of a legal technicality. They point out that over the next six years an enormous gap could develop between salaries of the older and newer members of the Supreme Court. They estimate that $3 million will be saved by the measure.

There is no official ballot-pamphlet argument against this measure, but is has been argued that judges are entitled to keep pace with the cost of living and should not be limited to an arbitrary 5 percent, which is a lower pay increase than other state employees receive. Some judges also contend that the cost-of-living provision in the old law was tantamount to a management-labor contract valid for the length of their terms.

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The bloody infighting among the Klans of California

By James Richardson

Lost in the furor over Klansman Tom Metzger's election victory in June was an irony: His Klan was at its lowest ebb in four years, racked by periodic infighting. He had perhaps 25 hard-core members in California on the night he won the Democratic nomination in the 43rd Congressional District.

There was something else outsiders didn't see: Metzger's election victory helped him in his jockeying for position over other Klansmen. That may be the major effect of his primary victory, since he is destined to be swamped in November by Republican Congressman Clair Burgener.

After the election, Klansmen boasted they were a growing political force. They bragged of plans to run more Klansmen for office. But, given their penchant for violent infighting, their chances of staying cohesive long enough to succeed are, at best, remote.

Metzger's Klan is not the only Klan in California, although it has received the most notoriety, mainly because of the media-savvy Metzger. Last fall, Metzger's Klan was probably the largest in the state. He had been successfully maneuvering against his national leader, David Duke of Louisiana. Metzger broke with Duke in November, taking with him most of Duke's dens in California. But Metzger's Klan shrank this spring, with many of his followers re-associating with Duke. On election night there were at least three active, aboveground Klans in the state, working independently of each other — and sometimes at cross-purposes. A fourth Klan, allied with a Southern U.S. organization headed by Stan Shelton, is said to be quietly active in Los Angeles County, attempting to set up a secret network. The Ku Klux Klans in California are no monolith.

At its height in 1978, Metzger's Klan numbered about 200 active members with about the same number of dues-paying inactive members. Most were in Southern California, although estimating the Northern California contingent has been difficult. Some Southern California police intelligence detectives complain their northern counterparts have not adequately kept track. The Klansmen claim they appeal to the white working man who, they contend, gets the short end of government programs, affirmative action and inflation.

Metzger beat two other Democrats to win the congressional nomination in the rural 43rd district, which includes all of Imperial County plus portions of San Diego and Riverside counties. His 33,000 votes prove he has hit a responsive chord somewhere.

If he held power, Metzger says he would do away with affirmative action and stem the tide of illegal immigration. And he goes further. He says he would "execute" Jane Fonda and Henry Kissinger for "treason;" he would "punish" Jews; and he would implement a plan for the wholesale removal of certain racial groups from American cities — namely blacks and Hispanics — giving them their own territories far from Anglo-America. He readily acknowledges his admiration for Adolph Hitler.

FAMILY PORTRAIT

"I don't want to run black people. We want to be separated, where you're some place, in your geographical area," Metzger says. "If you're going to have a racist state you're going to have to build a racist state."

Some Klansmen accept the fact they are going to lose in some of the first electoral outings, but they contend they'll win sooner or later. However, given their track-record in the last few years, the Klans may self-destruct first.

Narcotics, money and women

Not reported by the media blitz on Metzger's victory are the cycles of slow, painful growth followed by disintegration within the Klans. Twice in two years Metzger has been unable to keep his grip on his undisciplined followers, who have split off to form their own Klans or have simply faded away. Unlike leftist fringe groups, Klan infighting is rarely over ideology. Dissident Klansmen remain staunch defenders of white supremacy and anti-Semitism. But they don't remain staunch defenders of each other. They fight over narcotics dealing within the Klans, money and the role of women. Narcotics dealing is not surprising; many members have run with motorcycle gangs.

The fights tend to be messy: Two Klansmen were mur-

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dered by fellow Klansmen in 1978, detectives contend. Two Klansmen are in state prisons for one of the killings. Another Klansman was indicted in April by the Yuba County grand jury for the other killing. Metzger was subpoenaed and testified before that grand jury this spring.

The latest round of infighting in Metzger's group has seen at least five Klansmen beaten — some seriously — at the hands of fellow Klansmen, according to law enforcement officials and some Klan sources. And June 3rd's election victory did not signal an end to the infighting.

Thomas Linton Metzger, 42, a native of Indiana where the Klan was strong in the 1920s, held a number of odd jobs before settling on his television repair business in Fallbrook, a rural town in northern San Diego County. He had dabbled in a number of right-wing groups and causes: the "Sell America Committee" at a McDonnell-Douglas plant where he worked; Barry Goldwater's 1964 campaign; the John Birch Society. He refused to pay his federal income taxes for a time because he didn't agree with federal government policies, he says.

Metzger formed what he called the "White Brotherhood" in 1974, basing it near home. He and it didn't go far. Then, in 1976, he met David Duke, the "Grand Wizard" of the Knights of the Ku Klux Klan and occasional talk-show guest. Duke appointed Metzger "Grand Dragon" of California. Metzger became Duke's top man in the state.

It wasn't long before Metzger and Duke were squabbling, according to several former high-ranking Klan members, including Donald Norris, the former treasurer of the San Diego den. While the television cameras zoomed in on Metzger and Duke and their short-lived 1978 "Border Watch" to stop Mexican nationals from crossing the border, Metzger and Duke were arguing over money. And there were some cracks developing within Metzger's state organization as well. Norris, purged in October 1978, says he collected dues and delivered them to Metzger in the form of money orders, made payable to Metzger. Metzger acknowledges he received dues via money orders, saying it allowed members to keep their Klan affiliation anonymous. He denies pocketing any money, although some of his former members believe he did. They concede they have no proof, but they believe it nonetheless.

Meanwhile, Duke was having his problems elsewhere. Bill Wilkinson (Klansmen invariably pronounce the name "Wilker-sen") was running things for Duke in areas of the South. He split from Duke, starting his own "Invisible Empire of the Knights of the Ku Klux Klan," dubbing himself "Grand Wizard" to rival Duke. Wilkinson fits the stereotype of a pickup truck-driving, gun-toting Klansman far better than the college-educated, well-groomed Duke.

Wilkinson got a chapter going in the San Joaquin Valley, making swings through the Valley in December 1976 and August 1977. He appointed Jeffrey Murray, a laborer in a Madera glass factory, to run his organization in California, dubbing him "Grand Dragon." There were now two "Grand Dragons" in California: Murray and Metzger.

The fight between Wilkinson and Duke culminated in July this year. Wilkinson accused Duke of attempting to sell him the names of his members — some 3,000 nationwide — for $35,000. Duke quit, leaving a rudderless national organization.

Metzger has never had much luck organizing his own group in the San Joaquin Valley, or in wooing the Wilkinson group under his leadership. Metzger's strength, in those years, lay in San Diego County, with toeholds close to home in Riverside and San Bernardino Counties, and in Northern California, mainly in Yuba County. San Luis Obispo also had strong but short-lived dens. The fertile country in between was either Wilkinson's Klan or no Klan at all.

Metzger's efforts at organizing in Orange and Los Angeles counties have been mostly dismal. He has gone through a number of organizers who have put together small — but strong — dens in those areas. One of his latest organizers, Mike Hellman, was probably the most successful in Orange County, garnering some publicity for the Klan, and recruiting a fair number of members, law enforcement and Klan sources say. Hellman has since quit Metzger, staying loyal to Duke.

Marching and brawling

In November 1979, Metzger quit Duke. Most of Duke's Klan — those who had not already quit — went with Metzger. The new group was dubbed: "the Ku Klux Klan of California." Metzger dropped the Hollywoodish title of "Grand Dragon" and took the grey-flannel-suit title of "State Director."

Then early this year, Metzger decided to show he was back. In January he and a small white-robed group, protected with black-uniformed, club-wielding Klansmen, marched in Escondido. In March, about 50 black-uniformed Klansmen, with Metzger, marched to a park in an integrated neighborhood in Oceanside. The march turned into a bloody brawl, and when police stepped in, it was the Klansmen who took the receiving end of the nightsticks, not the neighborhood youths who were throwing rocks and bottles. The Oceanside Police Department, in bloodying Metzger's nose, succeeded in making him into a martyr of sorts.

While Metzger's Klan was brawling, Duke was trying to regroup in California under the leadership of Glen Parker of Tehachapi. Parker has since joined forces with Metzger as his "campaign manager" in the 43rd district race. And police detectives were investigating members of Metzger's Klan for possible narcotics manufacturing and selling in San Bernardino County.

A few days after the bloody brawl in Oceanside, the roof caved in on Metzger's organization again. Two Klansmen were arrested for allegedly manufacturing the narcotic methamphetamine and shipping $60,000 worth through United Parcel Service to the East Coast. "This is the backbone of the Klan's tough-guy bikers," one of the detectives said. Other Klansmen were also suspected, but the detectives lacked the evidence to charge them.

On the heels of the arrests, Metzger's top organizer in the Riverside-San Bernardino area, George W. Pepper, led his area's dens out of Metzger's Klan. The dens were among the strongest Metzger had. Pepper, a bus driver from the largely working-class town of Fontana, a town east of Los Angeles built around a Kaiser Steel mill in World War II, reassociated with Duke and became the "State Organizer" for Duke's "Knights of the Ku Klux Klan," the first step in becoming "Grand Dragon" — Metzger's old position.

Metzger was again left with his steady, but small, band of loyal followers. His plans for wooing all of the Klans in California to submit to his leadership seemed to have been torpedoed. Then, June 3rd, Metzger won the Democratic nomination in the 43rd district, a seat firmly held by Republican Burgener. Many of those outraged at the Klansman's victory saw it as adding some form of legitimacy to the Klan, as heralding a new rise of the Ku Klux Klan.

But what outsiders didn't understand was that Metzger's victory probably only boosted him in the murky world of Klan infighting. The victory propelled him back to his place as the leading spokesman for the Klans in California, giving him new strength to deal with other Klans and to deal with his disgruntled former followers.

It also left him with jealous onlookers in the other Klans. A day after the election, Duke's Klan issued a "press release" announcing the names of two officers and offering a reminder that Duke's Klan was still very much around, and still very much out from under Tom Metzger's thumb.

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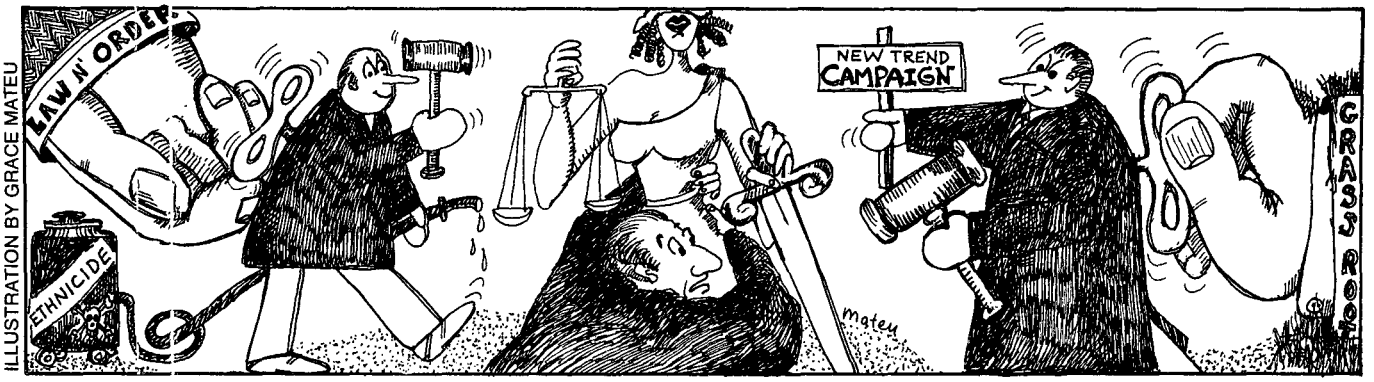

ILLUSTRATION BY GRACE MATEU

Why so many judges are going down to defeat

By DENA COCHRAN

One in three incumbent California judges was either defeated at the polls in June or forced into a runoff. Out of 49 challenged incumbents, 10 lost outright and six more will face opponents in November. This represents a significant change from the days when the recipients of gubernatorial appointments to the bench in effect donned their robes for life. So shaken are some judges by their contemporaries' fate that they are saying it may be a liability to list themselves as incumbents on the ballot.

One other fact is becoming increasingly clear: Minority judges are especially vulnerable to challenge. One of the most stunning losses by a Spanish-surnamed incumbent was that of Fresno Superior Court Judge Armando Rodriguez. After the election, he said he was forced out of office because of his ethnic background and because of increasing political pressure on the judiciary. Rodriguez, a Brown appointee, lost by a 5 percent margin of the vote to Deputy District Attorney Steve Henry.

Rodriguez was accused by the conservative Law and Order Committee of being a weak judge, a charge which his campaign workers feel damaged his chances considerably. Henry attributes his victory to his door-to-door, grass-roots campaign, but Rodriguez's ethnic background was a definite if unspoken campaign issue.

"It distresses me to have judges defeated who are doing good jobs," Fresno County Presiding Superior Court Judge Hollis Best said in lamenting Rodriguez's loss. "I am concerned about the future of the judiciary in this state."

In Los Angeles County, Municipal Judge David Perez was defeated by Deputy District Attorney Richard Adler. Perez's defeat by Adler was all the more surprising because the Los Angeles County Bar Association rated Adler as "not qualified" while ranking Perez as "well qualified." Adler was the first "not qualified" person to gain a judicial seat in Los Angeles County since the Los Angeles County Bar Association began evaluating potential judges in 1975.

Also in Los Angeles, Municipal Judge Fred Gabourie, a Native American, came in fourth in a field of seven, the largest number of challengers faced by any incumbent judge in June. Gabourie's poor showing was no doubt precipitated by the fact that he is under indictment for obstruction of justice and falsifying court records.

Other minority judges avoided outright defeat but will face opponents in runoff elections in November or emerged shaken from tight races. They include:

- Superior Court Judge Robert Aguilar, forced into a runoff by attorney David Creed in Santa Clara County.
- Municipal Court Judge Richard Orozco, who hung onto his judgeship by 202 votes against the challenge lodged by attorney Bobby D. Youngblood in Orange County. Youngblood came close to toppling Orozco in spite of the fact that he had been given a poor rating by the Orange County Bar Association in its evaluation of judicial candidates.
- Los Angeles Superior Court Judge Gabriel Gutierrez, who scored a more decisive victory against challenger Richard Plotin after fighting off Plotin's strong showing during the early returns.

The law-and-order challengers

Incumbent judges were challenged by a bevy of prosecutors, most of them building their campaigns around law-and-order themes and accusing their opponents of being too lenient with offenders. Incumbents were felled by prosecutors in Alameda, Fresno, Contra Costa, Los Angeles, Santa Clara and Sonoma counties. In addition, two deputy district attorneys will vie for Los Angeles Judge Gabourie's seat in the November election. Deputy district attorneys in Fresno (municipal court), Orange and Sonoma counties forced incumbents into runoffs.

In the Contra Costa County race, prosecutor Gary Strankman garnered more than 60 percent of the vote against Superior Court Judge Richard Calhoun in the first challenge to an incumbent judge in that county in more than 20 years. Strankman, who had the backing of the Law and Order Committee, accused Calhoun of handing out light sentences to convicted felons.

Two other incumbent judges in diverse locales narrowly missed being unseated by prosecutors. Municipal Judge Charles Boags prevailed against Deputy District Attorney Marsha Revel by less than 1,000 votes in Beverly Hills. And Superior Court Judge Jack L. Hammerberg fought off a spirited challenge mounted by District Attorney David Min-

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nier in rural Madera County. Minnier capitalized on the name recognition he gained as prosecutor of the Chowchilla school bus kidnap case a few years ago, but Hammerberg managed to eke out a victory over him.

The large number of judges thrown out of office in June reflects the displeasure of a society which over the past few years has grown increasingly critical of the court system. The fact that more than half of the judges defeated in June fell to prosecutors — many of whom accused their opponents of being soft on criminals — attests to this phenomenon.

In addition, many laymen see recent case law as favoring criminals at the expense of victims. Since the *Escobedo v. Illinois* case in 1964 and the *Miranda v. Arizona* case in 1966 — cases which said that a defendant's incriminating statements may be used against him only if he has been advised of certain rights, including the right to consult an attorney — the courts have steadily redefined and formalized the rights of defendants. Such rulings have not always set well with the average citizen.

Judges have also often earned themselves bad marks with jurors who are shuttled through the California court system at the rate of several thousand a week and who make up a sizable block of voters. As many an ex-juror can attest, being a juror is not always a pleasant experience. For every person summoned by the courts who ends up sitting on a jury, there are several more who take time away from their daily activities in order to be shuffled from waiting room to courtroom as part of the human fodder which makes up the jury panel. These individuals receive in exchange for their time a minuscule check and, if they are lucky, thanks from a judge who may summon them back the next day for more of the same.

The California judiciary was further tainted by last year's open investigation of the state Supreme Court for allegedly delaying a politically sensitive decision until after Chief Justice Rose Bird stood for election. The investigation damaged the image of the justices as dignified savants and revealed them to be mortals prey to pettiness and bickering. By association, other members of the California judiciary experienced a similar fall from grace.

Governor Brown's emphasis on appointment of minorities, women, and most lately homosexuals to the bench has created a group of judges who are more controversial than their predecessors and therefore easy targets for challengers. Another reason for the fall from power by so many judges this year has been the willingness of challengers to wage spirited grass-roots campaigns. In the past, judicial races, when they took place at all, have been traditionally low-key affairs with little campaigning on either side.

Postcards and phone calls

A prime example of this new trend was the race between Robert Van Auken and Municipal Court Judge Charles Flood in Visalia. Van Auken began campaigning in November and continued nonstop until the day of the election which he and 10 friends spent on the phone encouraging potential supporters to vote. During the intervening time he took a month off from his job as a deputy public defender to walk precincts, hitting businesses in the morning and following up with residences in the afternoons and the rubber-chicken meeting circuit at night.

"I went anywhere I could," Van Auken says. "If there were 10 people gathered anywhere during the campaign, you'd probably find me there. Everyone saw me except my wife and child."

Van Auken also mailed out nearly 17,000 postcards, handed out over 20,000 brochures, and put up 400 yard signs and almost 100 corner signs. His campaign climaxed when an airplane proclaiming Vote Van Auken circled the Visalia skies the final four nights before the election. The campaign cost him over $20,000 and made him the first person in more than 100 years to defeat a sitting judge in Tulare County.

Van Auken told the voters his campaign offered them a "choice" over Flood who was a Brown appointee. He also accused Flood of a high degree of absenteeism. (Flood's wife, Suzanne Knauf, is a judge of the North San Diego County Municipal Court. The couple maintains dual residences and Flood, a licensed pilot, often commutes back and forth.) Most observers agree though that it was Van Auken's high degree of visibility, rather than any particular campaign issue, which won him the election.

"I feel good about it, now that it's all over and now that I've won," he said, "but all that campaigning gets old fast, and I don't know what I'd be saying if I'd lost."

Whatever the issues, it appears clear that California's courts are becoming increasingly vulnerable to political pressure. Critics of the courts insist this pressure will make judges more responsive to the wishes of the electorate. But judges may find themselves able to use less discretion in their rulings for fear of offending voters. It is also possible that capable attorneys may become less willing to accept gubernatorial appointment to the bench, at a time when the judiciary is steaming into increasingly rough waters. If nothing else, the new trend has made sitting judges more aware of the feelings of those around them.

"No chance," said a Tulare County judge recently when asked to attend a mid-morning meeting. "I'd have to keep a jury waiting, and that's 12 votes."

DEFEATED JUDGES

(Winners in bold face)

CANDIDATES	VOTE	PERCENT
Alameda County Superior Court		
Richard Haugner	**121,863**	**50.1**
Hugh Koford (Inc.)	121,191	49.9
Contra Costa County Superior Court		
Gary Strankman	**126,217**	**60.8**
Richard Calhoun (Inc.)	81,463	39.2
Fresno County Superior Court		
Stephen Henry	**56,771**	**52.5**
Armando Rodriguez (Inc.)	51,268	47.5
Los Angeles County Municipal Court		
Richard Adler	**226,635**	**50.2**
David Perez (Inc.)	225,028	49.8
Los Angeles County Municipal Court		
David Workman (runoff)	**128,178**	**28.9**
Gregg Marcus (runoff)	**78,460**	**17.7**
Lee Ragins	77,033	17.4
Fred Gabourie (Inc.)	67,566	15.2
Frank Lukus	36,231	8.1
Paul Mostman	28,245	6.4
William Turkish	27,638	6.2
Los Angeles County Municipal Court		
Eugene Osko	**35,003**	**52.8**
Thomas Patterson (Inc.)	31,346	47.2
Santa Maria Municipal Court		
James Jennings	**10,790**	**63.6**
S. John Gudmunds (Inc.)	6,290	36.4
Santa Clara County Municipal Court		
Edwin Pearce	**155,861**	**54.1**
Elva Soper (Inc.)	132,004	45.9
Sonoma County Municipal Court		
Raymond Byrne	**48,525**	**54.2**
Richard Day (Inc.)	41,078	45.8
Visalia Municipal Court		
Robert Van Auken	**9,081**	**52.8**
Charles Flood (Inc.)	8,096	47.2

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How well is California providing services for the aged?

By Hal Rubin

Every year there are 400,000 more Americans over the age of 65 than there were the year before. In California, 10 percent of today's population is 65 or older. And if current projections are correct, one-fourth of all Californians will be over age 60 four decades from today.

Such statistics suggest one reason why senior citizens' political clout is growing, both in Sacramento and Washington. Another reason is that they are proportionately better voters than their children and grandchildren. Any proposal for aiding the elderly is difficult for a politician to oppose. For example, there are about 100 different state programs benefiting older people in one way or another, administered by 42 various departments and agencies.

But the agency directly responsible for helping the elderly with their nonmedical needs is the Department of Aging (CDA) in the Health and Welfare Agency. Relatively small (115 positions) by bureaucratic standards, the CDA nevertheless has an ever-growing supply of federal dollars to spend on its programs. In 1971-72, the department received a modest $680 000 from Washington; by 1975-76 it was getting $20 million; and in 1980-81 it will get $66 million.

So rapidly have the federal dollars grown, in fact, that CDA is apparently unable to spend them all. In hearings this summer, legislators heard again of an embarrassing surplus of millions of dollars which have been allocated for programs for the California aged — mainly in nutrition services — but never spent. Even though federal policy requires its grants to the department to be spent in the fiscal year allocated, Washington has been reluctant to take back its unused dollars. The political backlash when even one feed-the-aged program closes is enough to discourage federal bureaucrats from leaning too heavily on the Sacramento department.

Ironically, this political sensitivity to the powerful senior citizens' lobby may be a major reason why the state's elderly are not better served by the CDA. Despite years of problems and charges of mismanagement, the department and its senior-citizen director, Janet J. Levy, age 66, seem almost immune from significant efforts at reform, either by state officials or Washington purse-string holders.

A curious relationship

Here is how this curious relationship has developed:

CDA is charged with receiving and administering funds allocated to the state under the federal Older Americans Act. Passed in 1965, this act is intended to help older people secure equal opportunity to acquire suitable housing, adequate income, restorative services, job opportunities and a dignified retirement. The act emphasizes maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive action. Effort is made to keep seniors out of institutions, and special attention is given to the "vulnerable" elderly — those with the greatest economic or social needs.

The performance of the CDA in pursuing these goals has been drawing fire for years. The agency responsible for California's elders went through five reorganizations and as many directors between 1967 and 1975, before it settled down under its current director.

California gets 11 percent of the Older Americans Act appropriation, according to a formula based on the state's percentage of persons over 60. Nutrition services account for a major portion of the spending: $37.6 million during 1979 for 50,000 daily meals for the elderly — an average of $2.89 a meal. The federal share was $1.84; the remaining $1.05 came from local sources, including county funds. Older persons may voluntarily contribute all or part of the cost of a meal. About 12 percent of the meals were home-delivered and the

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rest were served in a group setting.

Other services provided by the CDA include subsidized employment in community activities for low-income elderly (the Senior Companion Program and the Foster Grandparent Program), financial assistance for the purchase and renovation of community senior centers, transportation, training, information referral services and other programs. The department's current budget includes $3.1 million from state funds, in addition to the federal and local sources.

The CDA negotiates thousands of individual grants with contractors and subcontractors throughout the state's 33 planning and service areas. The local-level network involves 15 Area Agencies on Aging (Triple A's). Eighteen more Triple A's will be added next month in response to federal requirements.

On the federal level, the CDA is monitored from San Francisco by Region IX of the Administration on Aging in the Department of Health and Human Services, formerly HEW. On the state level is the California Commission on Aging, composed of 25 members appointed by the governor, the speaker of the Assembly, and the Senate Rules Committee. It acts in an advisory capacity to the CDA and serves as the principal state advocate in behalf of older persons. Rounding out the bureaucracy is the Assembly Committee on Aging, with Norman Waters as chairman. Waters succeeded Henry J. Mello in April.

Since Levy took over at CDA six years ago, she has been questioned and criticized regularly on dozens of fiscal, accounting and management issues. Everyone from the federal Administration on Aging to the Assembly members on the Aging committee have taken swipes at Levy's department — but little change has occurred, and the federal dollars keep growing.

Charges against the CDA include:

• **Delayed reporting procedures.** During the past two fiscal years CDA reports were late in all eight reporting periods, and their contents failed to indicate that past inadequacies had been corrected.

• **Inadequate information.** "The department is not getting timely information to make some very basic management decisions about allocations of funds," says John F. McCarthy, regional program director for the federal Aging Administration. "We think they should know exactly what has been expended by all projects in the state, so they can judge if people are meeting the expected operational level of the program — and not finding out about it three to five months later."

• **Huge unspent allocations.** Estimates differ, but CDA critics agree that millions of dollars have been sent to California in recent years, and that CDA has only made a dent in spending them. McCarthy says that some states, such as Massachusetts and Washington, apparently operate very good programs for the elderly under the Older Americans Act. "California could lead the country in influencing the federal government as it relates to older Americans," he says. "The state puts a lot of funds in home services for the elderly and supplements Social Security with payments for the poor elderly. There's a real consideration for the older person in the Legislature and the administration, but the performance of the Department of Aging has to be improved . . . Outside of the Department of Aging, the state is very considerate of its older people."

How big is the department's surplus? The auditor general reports that between 1974 and 1979, CDA received $157.6 million for nutrition and social services and spent $132 million, leaving an unexpended balance of $25.6 million. In February 1979 the CDA estimated its unexpended balance at only $3.1 million. But in November CDA's estimate was revised to $11.2 million, and in December it raised the estimate to $15.5 million.

The legislative analyst's office has said that the CDA has not yet demonstrated a capacity to spend its annual allocation of federal funds. Because it has failed to comply with federal reporting deadlines and because its accounting and reporting systems are still inadequate, CDA could lose its federal funding in the future, the analysts have warned.

• **Inadequate programs.** The Health Committee of the California Commission on Aging reported recently that the CDA nutrition program is performing poorly. "Continued fiscal conservatism on the part of the department not only ignores the needs of many older persons, but also calls into question California's need for federal funds that it cannot or will not spend," the committee charged. "It (the CDA) has discouraged the use of federal funds for expanded home-delivered meals."

John Riggle, executive secretary of the Commission on Aging, says such fiscal conservatism punishes the homebound elderly, who are among the most needy. More than 20 other states, operating the kind of nutrition service they were directed to provide, got additional funds when they ran out, according to Riggle. If the CDA does not spend what has been allocated, Congress concludes there is less need among the elderly in California, he says.

Last June the auditor general reported to the Joint Legislative Audit Committee that many of the state's nutrition programs were also operating in violation of health and safety codes. The standards most frequently violated included improper food preparation, improper sanitation in food storage and preparation, and improper sanitation in the distribution of meals.

In recent years at least two nutrition projects have experienced serious fiscal difficulties. The project serving Inyo and Mono Counties ran out of funds and closed temporarily for more than two months. Last year the Superior California Senior Services Nutrition Project serving 10 northern counties suddenly terminated its contract with the CDA.

Assemblyman Mello, then chairman of the Assembly Committee on Aging, conducted a special inquiry into nutrition problems in the northern counties after the contractor responsible for the project spent the 1979 grant award in nine months and had to shut down. "Our chief concern," Mello's committee reported, "was to prevent elderly persons from suffering as a result of inept management by the CDA and the project responsible for providing the meals."

To continue that nutrition program, the Legislature created a $5 million emergency nutrition fund that would prevent similar failures in the future. Summarizing his committee's findings, Mello charged that the use of public funds by the Superior California Services Nutrition Project and the Department of Aging were not in compliance with federal requirements and that the CDA had failed to satisfactorily monitor that project.

• **Scandals and abuses.** A 1980 General Accounting Office review of contracts granted by the CDA revealed other problems. The Rio Hondo Action Council had its contract terminated and went out of business amid allegations of fraud and misuse of funds. A contractor involved with community housing did not provide the required services and failed to refund more than $44,000 due from a prior contract.

A Baptist church in Los Angeles received a grant to provide transportation and escort services for older persons and was advanced $37,203 for start-up costs and the purchase of two multi-passenger vans. In addition to the vans, the money was spent for carpets and drapes for the project office in the church, for salaries, and for six months of prepaid office space rent in the church. After five months the contract was terminated. During that period no services had been provided for older persons. The vans valued at $20,000 were recovered, but the $17,000 balance has not been satisfactorily accounted for.

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The Older Americans Act prohibits means testing because the act is not intended to operate as a welfare program and its services are not restricted to those with incomes below the poverty line. Other than for nutrition, the act does not specifically provide for contributions for services. But that has not stopped some contractors. In Los Angeles County last year, six of 26 grantees had a means test or eligibility criteria that limited program participation by the elderly. This year four were still using a means test. A contractor who ran a bus service for the elderly was charging a fare of 75 cents while operating a federally funded transportation service.

• **Lack of mission.** Critics in and out of the Commission on Aging charge that the CDA has followed passive and conservative policies and that its lack of advocacy is behind many of its problems.

Levy's responses

To all of these charges, Levy responses are consistent: There are no missing millions of dollars — only allocated funds that have not yet been spent. The problems with contractors are minor and generally caused by flawed management at the local level. And most of the criticism of her department is politically motivated.

The issue of surplus dollars is exaggerated, she insists. "Ever since the Department of Aging was established six years ago, there has been a persistent but erroneous myth that there exists a large and readily available treasure chest of surplus nutrition funds that the CDA is somehow unwilling to release." It is true, she says, that since 1973 "the influx of money was more than the Aging network could absorb at one time." And because some local programs were not able to spend all the money allocated to them, the accrued funds piled up.

"But there are no unobligated funds," Levy maintains, "because as federal funds are received they are obligated to existing projects." In her terminology, the accrued funds are "simply unexpended balances of obligations." Now Levy says she has instituted an accelerated spending program at the local level so that about $2 million in accrued funds will be gone by September 30th, 1981. After that, carryover of unspent funds will no longer be permitted by the federal government.

Of the abuses documented in Southern California, Levy says the area agency in Los Angeles County should be monitoring problem programs more closely. She disclaims any responsibility "to go in at the local level and do a lot of investigations.

"There has been so much fraud in Medi-Cal because it is such a big program. And we keep thinking how lucky we've been that we've had only a couple of cases of bad management . . . We can't call it malpractice."

Some of the department's problems resulted from a lack of staff, Levy says, and most of them were inevitable but temporary growing pains. Yet late in July Levy came under fire again when the CDA refused to provide financial help to keep open the Sacramento Senior Health Day Care Center. When pressure was applied by Governor Brown's office and area legislators, money was found in the CDA budget. The *Sacramento Bee* commented editorially, "The incident brings to light troubling attitudes and policies that transcend Sacramento's program . . . More fundamentally it raises questions about the very purpose of the Department of Aging when it becomes the obstacle instead of the advocate and provider of services articulating the needs of the aging."

Recently a man Levy doesn't know wrote her a letter of commiseration, telling her, "Most of us understand that it (the criticism of her department) is purely political." Levy agrees with him and adds, "I'm beginning to realize that a little late, but I do realize it."

Yet Levy's staying power and apparent invulnerability are unusual for a department director who has been so heavily criticized. She keeps a low profile and delegates many decisions to her executive board. And in one sense, Levy is in an enviable position: She may be the only state official who has more money than she can spend.

The benefits of age

California provides a broad range of help for its aged population. Here is a brief description of the major programs and their eligibility criteria:

• **Income security.** The Supplemental Security Income/State Supplemental Payment (SSI/SSP) program gives cash grants to eligible aged, blind and disabled persons. A single person, age 65 or older, receives $420 a month; an aged couple, $773 a month. About two-thirds of the SSI/SSP recipents already receive Social Security and/or private pensions; they receive a check for the difference between their outside income and the payment level. Asset limitations are $1,500 for a single person and $2,250 for a couple. The value of a home and a car are excluded. The SSI/SSP payments are tax-free.

• **Medi-Cal.** Aged SSI/SSP recipients are automatically eligible for free health care under the Medi-Cal program irrespective of the size of their SSI/SSP check. Medi-Cal benefits include hospital and doctor care, drugs, optometrical services, dental care and skilled nursing care, if necessary. Aged SSI/SSP recipients who receive a Social Security check are also covered under the federal Medicare program. The Medi-Cal program will spend $70 million this year to purchase Medicare supplemental coverage (office visits, etc.). Medi-Cal pays for any health care costs not covered by Medicare.

• **Homemaker and day-care programs.** California seniors have alternatives to nursing homes these days. Aged SSI/SSP recipients are eligible for homemaker-chore services to help them with cleaning, food preparation and shopping. Under Medi-Cal, adult day care is available as an alternative to live-in nursing-home care.

• **Property-tax assistance.** Two state tax-relief programs benefit persons 62 and over who have less than $12,000 in annual income. Homeowners can receive assistance with their property taxes on a sliding scale based on income. Last year, payments averaged $105. Senior renters are also eligible for rebates based on income; these payments averaged $171 last year. Seniors are also eligible for the same homeowner tax exemptions and renter income-tax credits that are available to all Californians. Still another state program allows senior homeowners with annual incomes below $26 000 to postpone property-tax payments until their homes are sold.

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THE SMOKING INITIATIVE:

LUCKY STRIKE OR OLD GOLD?

By Maureen S. Fitzgerald

Has non-smoker militancy increased enough in the past two years to turn the tables in the current battle over Proposition 10? Or will opponents of the initiative be able to convince voters that the measure is nothing more than a re-lit version of the proposition that was rejected in 1978?

Proposition 10 is the only initiative on the November ballot. It is a proposed statute that qualified with some 510,000 valid signatures, far more than the 346,110 required to place the proposal on the ballot. The measure is sponsored by essentially the same coalition of health and environmental groups that fell a few percentage points short two years ago: the lung, heart and cancer associations and the Sierra Club. The coalition is called Californians for Smoking and No-Smoking Sections.

In 1978, the tobacco industry broke records by spending $6 million in a radio-and-television advertising blitz that turned voter opinion against the initiative by a 46 - 54 margin. The sponsors estimate that a new record in the vicinity of $10 million will be spent this year.

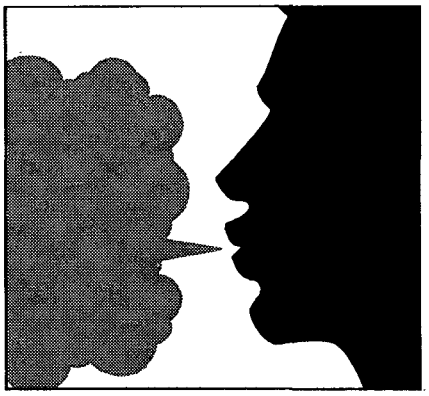
Proposition 10 requires that smoking and no-smoking areas be established in public buildings, schools and places of employment. It is different from the 1978 measure in several key areas. It specifically allows smoking areas. It does not require any walls or partitions, as did the 1978 proposal. It downgrades violations to simple infractions with a maximum fine of $15; citizens could have been searched and taken into custody under the old plan.

Second-hand smoke

Coalition chairman Paul Loveday, a San Francisco attorney, thinks the campaign will succeed this time because public awareness of the dangers of second-hand smoke has been heightened. He feels that the 1980 measure is more reasonable than and technically superior to the 1978 version.

Loveday has set a target of $1 million to promote the initiative. (Only $115,000 was spent to qualify the proposal for the ballot.) Most of the money will be used for television and radio advertising, with Larry Levine of Los Angeles directing the campaign. Loveday says the opposition will spend between $8 and $12 million because it will take more money to defeat the 1980 proposal and because costs have risen in the past two years.

The opposition coalition is called Californians Against Regulatory Excess (CARE) and includes David Bergland, national chairman of the Libertarian Party; Assembly Democrat Richard Alatorre; former state controller Houston I. Flournoy, and Tom Bensen of the California Association of Tobacco and Candy Distributors. CARE has hired Robert Nelson and Associates, Incorporated, of Santa Ana to conduct the campaign. CARE's Eileen Padberg reported that the dominant theme of the "no" campaign will be that Proposition 10 is really just a cleverly worded version of the measure already rejected by the voters. CARE will attempt to convince citizens that the proposal will be difficult to administer and hard to enforce by an overburdened police and court system.



Tobacco industry spokesman Tom Howard claims that the cigarette manufacturers will not be as active in this campaign as they were in the last one. Yet, as election day nears, members of the Tobacco Institute may find it necessary to pour wholesale amounts of cash into the campaign. That's because the initiative should be harder to defeat the second time around. The 1978 version, for example, contained language that would have permitted the inconsistency of banning smoking at basketball games and jazz concerts but permitting it at boxing matches and rock concerts — all in the same area. Also, polls indicate that public awareness of the second-hand-smoke issue increases each year.

Rights and regulations

Some of the issues being debated in the campaign:

- **How harmful** is second-hand smoke? This is the smoke that non-smokers breathe when they are in the same room as smokers. Loveday contends there is clear evidence that non-smokers are harmed, but the opponents will not concede that point. The opposition argues that there are numerous environmental hazards in normal living, including pollution from cars and factories.
- **What rights** should non-smokers have? Over the past decade, non-smokers have become more militant. When asked "Do you mind if I smoke?" they now often reply in the affirmative. Some smokers demand the right to smoke whenever and wherever they wish.
- **Is the measure** going to produce more bureaucracy and Big Brotherism? Government regulation is hardly in vogue these days, and the opponents are urging voters to reject a law calling for the establishment of more rules and the posting of thousands of signs.

The pivotal unknown is probably not the electorate but the media. In 1978, the $6 million blitz was not subjected to detailed media scrutiny. This time, the expenditures will be watched more closely. It is unknown at this point whether radio and television stations will refuse to accept ads from either side. This past June, some stations declined ads on two initiatives. The reason was that one side was outspending the other by a wide margin, and compliance under the federal equal-time doctrine was difficult if not impossible. Without open access to prime-time television, it is doubtful that the opposition will be able to repeat its victory of 1978.

(For background information on Proposition 10 and arguments for and against the measure, see the special proposition pamphlet in the center of this magazine.)

Maureen Fitzgerald is the director of a "Citizen Democracy" research project being conducted by the Journal *with the assistance of a grant from the Ford Foundation.*

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Why the voluntary exodus of so many Assembly members?

By CHARLES M. PRICE AND CHARLES G. BELL

CARTOON BY PAUL DUGINSKI

It now seems more than a little ironic that during the 1978-79 legislative session former state Senator Arlen Gregorio championed a constitutional amendment to establish term limits for state legislators. In order to encourage more turnover, Gregorio proposed that California state legislators be limited to 12 years of service per house. Actually, the problem, especially in the California Assembly, seems to be just the reverse: Few members seem willing to stick around longer than a few terms. Currently, a majority (41) of Assembly members have served less than two terms. In the next legislative session, only seven members in the Assembly will have served more than 12 years, assuming they all get re-elected.

Rapid turnover of membership has long been a feature of American state legislatures, and it has clearly been the pattern in the California Assembly for some time. Many experts thought that increased salary, per diem pay and other "fringes" that California legislators came to enjoy in the 1960s and 1970s would help reduce turnover, but this has not been the case.

Obviously, a periodic infusion of new members is desirable if legislative bodies are to be responsive. But a too-rapid turnover can contribute to instability and ineffectiveness. Clearly, Assembly leaders had difficulty dealing with the large bloc of 23 new members (dubbed by journalists as the "Bad News Bears") elected in November 1978, in the post-Proposition 13 era. These newcomers introduced more bills than freshmen usually do, tended to be more aggressive than was the custom, and refused to follow their party leaders. Freshmen Republicans particularly antagonized Speaker Leo McCarthy when they demanded to be allowed to sit together in a group on the floor rather than in the seats assigned by the leadership. Speaker McCarthy refused. It was also these "Proposition 13 babies" who provided the votes necessary to oust minority leader Paul Priolo and caucus chairman Bruce Nestande from their leadership positions, and helped prompt their decisions to leave the Assembly.

Charles M. Price and Charles G. Bell are political science professors at California State Universities at Chico and Fullerton. They are the authors of a new text on state politics, California Government Today: Politics of Reform.

Opting out

Currently, 13 Assembly members have announced that they will not be seeking re-election to the lower house. Two are running for Congress, three for the state Senate, one for an Orange County supervisorial seat, one has been appointed to a judgeship and six have announced their voluntary retirement. Additionally, other Assembly incumbents may be appointed in the months ahead to different positions, while still others could lose in the primary or general elections. Thus there will probably be at least 20 freshmen elected to the 1981-1982 session. The potential for continued instability (particularly with the speakership battle brewing) should continue.

Why are so many members leaving? The seven Assembly members seeking other offices are probably looking for better pay, longer terms and greater status. But what about the voluntary retirees — why do they want to retire? Why would members who have invested so much time and effort into getting elected walk away from the job? Here are some of their reasons:

- **Mike Gage** — First elected in 1976 from the highly competitive Napa-Sonoma district, Democrat Gage served as a legislative staffer for a number of years prior to his election. Although clearly more liberal than his district, Gage worked to build a reasonably safe constituency

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through careful attention to district problems. He was active in the futile presidential campaign effort of Governor Jerry Brown.

Gage offers several reasons why some of his colleagues are retiring: "The pay has not really kept pace with the cost of living. Some members are leaving to make more money in other jobs. And some members resent the fact that they worked their butts off in Sacramento and then got hit with cynicism back in the district." Gage believes he could have been re-elected, but he says he would have had to raise a large campaign warchest since the GOP had targeted his district. "I didn't want to get trapped into the position some members find themselves — hedging votes to get big campaign contributions," Gage says.

"But the greatest single reason for my decision lies in the intensity of the day-to-day job. If it were possible, our political system would probably be dramatically improved if politicians could take a sabbatical every few years, not only to assess from a distance what they've been doing, but to dream of what might be."

• **Richard Hayden** — Hayden is one of several Santa Clara County legislators retiring this year. Prior to his election in 1969, he served in local offices in Santa Clara County for 10 years. A Republican moderate, Hayden became a reasonably well-entrenched incumbent representing a marginal district, but he feels that 20 years of public service is enough: "It is time to make way for others whose creativity and problem-solving can be utilized."

Hayden, a former teacher, says his proudest moment as a legislator came when 11 former students ran for office in one election. But he notes sadly that he had a greater sense of being able to solve problems earlier in his career: "Today, the state Legislature is more affected by national and international forces and events over which we have little or no control."

• **Vic Calvo** — First elected to the Assembly in 1974, Democrat Calvo was placed on the powerful Ways and Means Committee as a freshman — a rare occurrence. Over the last several terms, Calvo has served as chairman of the Resources, Land Use and Energy Committee where, he says, "I've tried to put some sense and balance into the environmental movement."

Calvo explains his retirement decision this way: "I've been active in various levels of elective office for 18 years, from city councilman to legislator. Now I'd like some time to pursue some other options, including spending more time with my wife and children. One can only be fresh and generate so much energy for so much time — the Legislature is a pressure cooker."

In his last re-election effort, Calvo won by only 5,000 votes. Clearly he lacked enthusiasm for raising the substantial sums needed to retain his seat. "I would have had to raise an obscene amount — $150,00 to $200,000 — for the campaign," he says. This factor, plus the anti-environment, conservative trend in the state and the bruising Assembly leadership battle contributed to Calvo's retirement decision.

• **John Knox** — Knox, the current dean of the Assembly, has represented Contra Costa County in the state Assembly for 20 years. "I think that 20 years is probably long enough for one individual to hold public office," the Democrat says. "I feel the need to spend more time with my wife and family and to take care of the economic needs of my daughters in college."

Knox was the only departing legislator to mention the Political Reform Act of 1974 as a factor contributing to his retirement decision. He says that the warm camaraderie of previous years is missing from the current scene: "In the old days, I used to know all the members and would meet them at various social engagements. But under the Political Reform Act, there are fewer opportunities to meet socially."

• **Leona Egeland** — Democrat Egeland was first elected to the state Legislature in 1974 after serving as a lobbyist for Zero Population Growth. Another of the Santa Clara retirees, Egeland says family concerns affected her retirement decision. "Of necessity, all state level representatives are in the capital city most of the week, almost all year," she says. "It's a myth perpetuated by the media and by candidates and challengers alike at election time, that a representative can and does 'live in the district.' People want that assurance, but it isn't true anywhere except for those who represent the Sacramento area. Your house or apartment stands empty all week, or worse, in my opinion, the rest of the family lives apart from the representative all week. I'd like that truth to be known."

Thus legislators are faced with a dilemma, Egeland says: "Either leave their families in the district and then seldom see them, or move them to Sacramento and then have difficulty getting back to the district. If a legislator is on the ball, he or she becomes a committee chair, requiring more time in Sacramento. The isolation grows worse as weekend time becomes spent in campaign activities, not family or friend activities." Egeland is particularly critical of local party officials who "criticize every event missed. Dinners are constantly being held and yet it's a command performance." The crowning irony for Egeland came when she found herself talking to a local community group on the need for parents to spend more time with their children: "It suddenly dawned on me that I was not practicing what I was preaching."

Egeland believes she could have been re-elected, but she says she would have had to raise $200,000 for her campaign. "Howard Berman would have helped me raise the money, but I don't like to have any obligations," she says. "If I were a campaign manager for an opposing candidate, I could have beaten me. I'm vulnerable on issues such as Proposition 13, Jarvis II, Medi-Cal abortions for low-income women, and spending on welfare and mental health programs."

• **Paul Priolo** — Republican Priolo, representing the Malibu Coast-Thousand Oaks portion of Ventura County, decided long ago that this would be his last term in the Assembly. First elected in 1966, Priolo had been Republican minority leader for much of the 1970s. One year ago, Priolo announced that he was going to explore the possibility of running for the U.S. Senate. But lack of money and the tepid response of key Republican leaders forced him to abandon the race. In the meantime, Republican Assembly insurgents deposed Priolo as minority leader. Although he could have filed for the Assembly when he decided not to run for the Senate, a disillusioned Priolo stuck with his original decision to leave the Legislature.

A sense of malaise

Some of the voluntary retirees would have faced formidable competition in the upcoming election, but it does seem likely that most would have survived. Population shifts and high political volatility in Santa Clara County further contributed to the retirement decisions of three members.

The growing distrust of politicians and the stresses of public life have taken their toll and reduced the psychic rewards of the job. Internal party strife and bitter leadership struggles further exacerbated negative feelings among members in both parties.

A sense of malaise was particularly noticeable among retiring Democrats. Instead of dealing with new programs or innovative ideas, Democrats face retrenchment in the new tax-cutting atmosphere in Sacramento. Buffeted by single-issue groups, threatened by swarms of new initiatives and confronted by resurgent business political action committees, some Democrats decided they would rather quit than fight.

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With this column, the ***Journal*** *provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*

Labor versus technology

By ALBERT H. MEYERHOFF

When the harvest of cotton was mechanized in the early 1950s, 4 million persons were displaced from rural jobs. A recent study by the UCLA Department of Industrial Relations shows that 50 percent of the hard-core unemployed in Los Angeles have migrated there from rural areas; one-third formerly worked as farm laborers. A report done for the U.S. Department of Labor estimates that future agricultural mechanization will result in the loss of more than 120,000 California jobs during the next 10 years in 13 crops alone.

Yet engineers at the University of California are now busily at work using public funds to mechanize 34 separate crops in California. Who will reap the sizable commercial benefits from this new technology? Who will be harmed? What will be the impact on California's already-overcrowded cities? Will we plan for these consequences, or will taxpayers simply pay the piper later on? These questions are not now being adequately addressed by the Brown Administration, the state Legislature or officials at the University of California.

Perhaps the threshold issue in the debate around agricultural mechanization is why, in a free market economy, public financing is necessary for the development of a new wine grape machine or tomato harvester. When basic services are being severely cut across the board, using government rather than industry funds for such commercial purposes has come under increasing criticism.

In January 1979, California Rural Legal Assistance (CRLA) filed suit on behalf of 19 farmworkers and the Davis-based California Agrarian Action Project challenging 69 mechanization projects at the University of California. The plaintiffs contended that by harming workers, small farmers and other significant parts of the rural population, these expenditures are contrary to the purposes of various federal laws establishing UC's Agricultural Experiment Station. In addition, they were said to create an illegal subsidy of public funds to California agribusiness. Finally, the suit contended that the research decision-making process at UC is disproportionately influenced by large agricultural interests and is tainted with conflicts of interests by University Regents and officials with agribusiness ties. Last February the trial court upheld the plaintiffs' legal theories and ordered the case to proceed to trial.

To understand just how California agribusiness has managed to obtain an annual multi-million dollar subsidy requires an appreciation of the "science-for-sale" approach used by UC in setting research priorities. By making tax-deductible "gifts" of private funds earmarked for specified agricultural research projects, the industry is able to "capture" sizable sums of public funds at roughly a 10-to-1 ratio of state and federal tax dollars to private gifts.

The relationship of the University and the industry must be viewed together with the fact that a host of UC researchers, officials and regents have direct ties to the industry. UC regents and officials serve as corporate directors of such companies as Del Monte, Miller & Lux, Tri-Valley Growers and Tejon Agricultural Corporation. Others are owners of large parcels of prime agricultural land directly benefiting from large-scale mechanization. A variety of UC researchers previously was employed by the industry and continue to act as their paid consultants while also receiving a public salary. (The University has consistently resisted disclosure of just who is paying for this consulting and how much is being paid.) Moreover, UC researchers receive 50 percent of all net patent royalties resulting from commercial use of their inventions.

Contrary to the simplistic charges of some, the controversy over publicly financed mechanization does not reflect an anti-science hostility toward technology. It does indicate, however, that without adequate planning, the rush to use tax money to mechanize California agriculture may come at a sizable cost. It may cost us the vitality of the small farming communities and small businesses scattered across the state. It may cost us hundreds of thousands of jobs and result in literally billions in added welfare costs. It may cost us whatever competition is left in the food production industry, while contributing to the rapid decline of the family farm.

In the mid-1960s, when the processed tomato harvester developed by UC was put into commercial production, that industry was entirely labor intensive. In less than 10 years, the number of California harvest jobs dropped from more than 50,000 to less than 18,000. The number of tomato farmers plummeted from more than 4,000 in 1963 to only 597 in 1973, a decrease of 84 percent. Ironically, the concentration of production has caused a tomato glut this year. Rather than reduce prices, the canneries are requiring California growers to cut their acreage and tomato production by a full 20 percent. Many growers, after making major capital outlays for new machines, are now being caught in a squeeze. Smaller canneries are going out of business; others are laying off much of their work force. The surviving canneries are rapidly mechanizing to remain profitable despite the glut.

It is incumbent upon California's legislators, University Regents and other policy makers to confront these issues. A variety of alternatives is available, including these:

- A condition could be imposed on making "gifts" to UC that they be without strings, going instead into a general fund for any research project.
- Full disclosure of consulting income at the University could be required, and individuals with an economic self-interest barred from making decisions on the use of public funds.
- A tax could be placed on new machine technology, with the proceeds used for the retraining of displaced workers.
- At a minimum, the agricultural industry should bear the full cost of developing these "welfare machines" and share in the responsibility for the social consequences that follow from their use.

Al Meyerhoff is an attorney from California Rural Legal Assistance contesting the use of tax funds for agricultural mechanization.

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'Neither a borrower, nor a lender be'

California legislators returned to Sacramento following their summer vacation August 18th and found a familiar situation. Last year, it was the insurance companies fighting to override a Jerry Brown veto on a bill prohibiting banks from selling some forms of insurance. While they were away this year, Brown vetoed a bill dear to the hearts and wallets of savings-and-loan executives: a measure authorizing the use of a complex flexible-mortgage system.

Last year, the insurance industry prevailed. This year, the issue was somewhat more cloudy. Would legislators place the desires of the savings and loan associations over the perceived interest of the consumers of the state just a few months before the November election? Some lawmakers undoubtedly weighed potential campaign contributions from lenders against possible loss of votes from borrowers.

The vetoed bill (SB 1937) by Senator John Foran of San Francisco, conceivably would result in increased monthly mortgage payments and even an increased principal over the life of a loan. The associations claim this type of instrument is needed because of the uncertainty of interest rates and is fair to both borrower and seller. Brown said the bill "goes too far and would result in many borrowers approaching the sixth year of their mortgage unprepared to deal with dramatically increased monthly payments." Brown predicted the backlash would hurt legislators and offered to work on a bill that would not be so risky for borrowers.

While lawmakers were away, Brown also:

- **Vetoed** legislation by Assemblywoman Marian Bergeson (AB 2001) applying a cost-of-living indexing factor to the state income tax on a permanent basis. Indexing is now a temporary measure, and Brown urged that the Legislature maintain maximum fiscal flexibility for the difficult budget times ahead.
- **Vetoed** a bill by Senator Ralph Dills (SB 462) requiring local governments to reimburse billboard owners when signs are removed by order of cities and counties.
- **Signed** the controversial bill (SB 200) authorizing construction of the Peripheral Canal around the Sacramento-San Joaquin Delta. Northern California environmentalists immediately launched a signature-gathering drive to place the measure on the ballot via referendum.
- **Signed** a major measure (SB 863) by Senator Alan Sieroty significantly increasing state child-care funding.
- **Proposed** a new plan designed to prevent loss of many millions of dollars in federal funds because the state has not adopted an anti-pollution vehicle-inspection program. The proposal would institute inspections in urban counties. In addition, stringent state anti-pollution standards would be reduced slightly. In 1981, 10 percent of an auto manufacturer's cars sold in California would be exempt from the state's smog regulations. In 1982, the percentage would drop to 7 and in 1983 to 3.

Senate (23D,17R)	AB 2458 AB 3001 SB 863 AB 2982	SB 1412 SB 2060 AB 1323 AB 2020		AB 2458 AB 3001 SB 863 AB 2982	SB 1412 SB 2060 AB 1323 AB 2020
Alquist (D)	YNYY	YYNY	Montoya (D)	YYYY	YYNY
Ayala (D)	YYYY	YYNY	Nejedly (R)	*Y*N	YYNY
Beverly (R)	YYYN	NYYN	Nielsen (R)	YNYN	*YYN
Briggs (R)	NNNN	NYYN	Nimmo (R)	NN*N	Y**N
Campbell (R)	YNNN	NYYN	O'Keefe (R)	YNNN	*NYN
Carpenter (D)	NYYY	NYYY	Petris (D)	NYYY	YYNY
Craven (R)	Y*YN	*NYN	Presley (D)	YNYY	YYNY
Cusanovich (R)	YY*N	YYYY	Rains (D)	YYYY	NYYY
Dills (D)	YYYY	YYYY	Richardson (R)	NNNN	NYYN
Foran (D)	Y**Y	Y**Y	Robbins (D)	*YYY	*YYY
Garamendi (D)	NYYY	*YYY	Roberti (D)	YYYY	YNNY
Garcia, A. (D)	*YYY	*YNY	Rodda (D)	NNYY	YYNY
Garcia, M. (R)	NYNN	NNYN	Russell (R)	NNN*	N*YN
Greene (D)	YYY*	YYNY	Schmitz (R)	NNNN	NNYN
Holmdahl (D)	YNYY	NYYY	Sieroty (D)	*YYY	*YNY
Johnson (R)	NNNN	YYYY	Speraw (R)	NNNN	NYYN
Keene (D)	NYYY	YYYY	Stiern (D)	YNYY	YYYY
Maddy (R)	NNYN	Y*YN	Vuich (D)	YNYN	YNYY
Marks (R)	YYYY	YNNY	Watson (D)	YYYY	YY*Y
Mills (D)	NYYY	YN*Y	Wilson (D)	YYYN	NNYY

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-August. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y – Yes **N – No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (2/3 = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (2/3 = 27 votes)

Senate

BUSINESS AND LABOR

AB 2458 (Young) — Requires public agencies to give preference to American companies in the purchase of steel products, Passed, 21 - 15.

AB 3001 (Harris) — Requires the state to consider affirmative-action factors in laying off and rehiring employees. Passed, 21 - 17.

HEALTH AND WELFARE

SB 863 (Sieroty) — Appropriates $13 million for the expansion of child-care and other child-development programs. Passed, 27 - 9.

AB 2982 (Young) — Establishes "California Necessities Index" for annual adjustments in welfare benefits. Conference report adopted, 21 - 17.

MISCELLANEOUS

SB 1412 (Foran) — Requires the Legislature to conduct public hearings on proposed ballot initiatives. Passed, 21 - 12.

SB 2060 (Robbins) — Equalizes judges' salaries in response to a recent Supreme Court decision. Passed, 27 - 9.

AB 1323 (Nolan) — Provides for hearing process following denial of gun permit. Passed, 24 - 12.

AB 2020 (Vasconcellos) — Appropriates $24 billion in 1980 - 81 state budget. Conference report adopted, 27 - 13.

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Assembly

BUSINESS

SB 462 (Dills) — Requires that cities and counties compensate owners of billboards that are ordered to be removed. Passed, 52-16.

HEALTH AND WELFARE

SB 1660 (Presley) — Prohibits sale of drug paraphernalia to persons under 18. Passed, 65-10.

AB 2982 (Young) — Establishes "California Necessities Index" adjustment of welfare benefits. Conference report approved, 41-29.

SB 1750 (Johnson) — Requires state to pay for health services in counties unable to support these services. Urgency clause defeated, 42-21 (54 votes required).

MISCELLANEOUS

SB 200 (Ayala) — Authorizes construction of the Peripheral Canal and other water facilities. Passed, 50-28.

SB 1361 (Nejedly) — Requires that water conservation programs be established by those transferring water from one section of the state to another. Passed, 42-36.

AB 2020 (Vasconcellos) — Appropriates $24 billion in 1980-81 budget. Conference report approved, 55-24.

SB 1852 (Mills) — Limits time a gubernatorial appointee may hold office if the Senate has failed to confirm the appointment. Passed, 43-28.

Assembly (50D, 30R)	SB 462 SB 1660 AB 2982 SB 1750	SB 200 SB 1361 AB 2020 SB 1852		SB 462 SB 1660 AB 2982 SB 1750	SB 200 SB 1361 AB 2020 SB 1852
Agnos (D)	YNYY	NYYY	Kelley (R)	NYNN	YNNY
Alatorre (D)	YYYY	YNYN	Knox (D)	YNY*	NYYN
Bane (D)	YY*Y	YYYY	Lancaster (R)	*YN*	YNNY
Bannai (R)	YYNY	YNYY	Lehman (D)	Y*YY	YN*Y
Bates (D)	NNNY	NYYN	Leonard (R)	YYNN	YNYY
Bergeson (R)	YYNN	YNYY	Levine (D)	YNY*	YYYN
Berman (D)	*NY*	YYYN	Lockyer (D)	NYYY	NYYN
Boatwright (D)	YYYY	NYY*	Mangers (D)	NY*Y	YYNY
Bosco (D)	NYYY	NNYN	McAlister (D)	YYYN	Y*YY
Brown, D. (R)	YYNN	YNNY	McCarthy (D)	N*YY	*YY*
Brown, W. (D)	YN**	NYY*	McVittie (D)	NY*N	YYY*
Calvo (D)	NYY*	NYYN	Mello (D)	*YY*	NNYY
Chacon (D)	*YYY	YYYN	Moore (D)	Y*Y*	YYYN
Chappie (R)	YY**	NNN*	Moorhead (R)	NYNY	NNYY
Cline (R)	YYNN	YNYY	Mori (D)	YYY*	NYYN
Costa (D)	YYY*	YNYN	Mountjoy (R)	YYNN	YNNY
Deddeh (D)	NYYY	YYYY	Naylor (R)	YYNY	NYNY
Duffy (R)	YYNY	NNYY	Nestande (R)	*Y**	YYYY
Egeland (D)	*YYN	NYYN	Nolan (R)	*YN*	YNNY
Elder (D)	YY*N	YNNN	Papan (D)	YY*Y	NYYY
Ellis (R)	YYNN	YNNY	Perino (D)	YYYY	NYYN
Felando (R)	YYNY	YNNY	Priolo (R)	Y***	*YY*
Fenton (D)	YYYY	YYYN	Robinson (D)	YYYN	YNNN
Filante (R)	YYNY	NYNY	Rogers (R)	YYNN	YNNY
Frazee (R)	YYNY	YNNY	Roos (D)	YYY*	YYY*
Gage (D)	NNYY	NYYN	Rosenthal (D)	YNYY	YYYN
Goggin (D)	*YYY	Y*YN	Ryan (R)	NYNN	YNYY
Greene (D)	YYYY	NYYY	Statham (R)	YYNY	NNNY
Hallett (R)	YYNY	NNNY	Stirling (R)	YYNY	YNNY
Hannigan (D)	N*YY	NYYN	Tanner (D)	YYYY	YYYN
Harris (D)	YNYN	NYYN	Thurman (D)	NYYY	NNYY
Hart (D)	NYYY	NYY*	Torres (D)	YNYN	YYYY
Hayden (R)	YYNY	NYYY	Tucker (D)	YYYY	YYYN
Hayes (R)	YYNY	YNNY	Vasconcellos (D)	*YYN	YYY*
Hughes (D)	YYY*	YYYN	Vicencia (D)	YYYY	YYYY
Imbrecht (R)	*YNN	YNNY	Waters, M. (D)	YYYN	YYYN
Ingalls (D)	YY*Y	YNNY	Waters, N. (D)	YYYY	NNYY
Ivers (R)	*YNN	YNNY	Wray (D)	*YYY	YNYY
Johnson (R)	YYNY	YNNY	Wyman (R)	YYN*	YNNY
Kapiloff (D)	NYNY	YYYN	Young (D)	YYYN	YYYN

Significant Court Actions

Medi-Cal abortion showdown

The state Supreme Court apparently is ready to decide this year whether the Legislature can cut off abortion funds to women receiving health care under the state-federal Medi-Cal program. The court issued a temporary restraining order prohibiting the Brown Administration from restricting abortions in keeping with the new state budget. The court is expected to consider the case when it convenes in the fall. The stay was sought by the Committee to Defend Reproductive Rights, a coalition of organizations claiming that there are state constitutional grounds that prohibit the Legislature from eliminating abortion funding for those on welfare. The United States Supreme Court has already said that Congress can cut off abortion funds.

In a 5-2 decision, the Supreme Court ruled that officials have no duty to warn the public when a potentially dangerous criminal is being released on probation or parole because of state immunity laws. The ruling came in a complex case brought by a deputy attorney general, Clifford K. Thompson, and his wife, Ingeborg, following the murder of their 5-year-old son, Jonathan, by a sex offender who had been released from custody the previous day. The majority ruled that parole and probation decisions are "inherently imprecise" and there is no sure way to predict which individuals are likely to commit crimes. The majority opinion was written by Justice Frank Richardson, joined by Chief Justice Rose Bird and Justices William P. Clark, Frank C. Newman and Appellate Justice Thomas Caldecott, sitting on assignment. In dissent, Justices Mathew O. Tobriner and Stanley Mosk said the court had gone too far in protecting public officials from liability.

An appeals court in Sacramento reversed a ruling by a Trinity County judge who said that local government could not increase fees following the passage of Proposition 13. The court ruled that fees can be raised so long as the charges do not exceed the cost of providing the services. Proposition 13 barred the imposition of "special taxes" except by two-thirds local vote.

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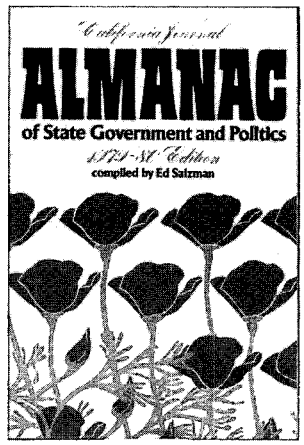

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Newsmakers

The legislator-lawyer-lobbyist

The political career of Assemblyman **Lawrence Kapiloff** of San Diego was endangered by revelations in the *Los Angeles Times* that the four-term Democrat has been working as a lawyer for developers engaged in negotiations with state agencies . . . **Dale Farabee** resigned under fire as director of the state Department of Mental Health . . . **Alan Stein,** secretary of business and transportation, also indicated his intention to leave state service.

The California political career of **Kathleen Brown,** the governor's sister, apparently has ended. She married news executive Van Gordon Sauter and moved to New York after resigning her post on the Los Angeles Board of Education . . . City Attorney **Burt Pines** of Los Angeles announced he will not seek re-election . . . Former San Francisco Supervisor **Robert Mendelsohn** resigned as special assistant to Interior Secretary Cecil Andrus to become a lobbyist in Washington . . . Governor Brown appointed his director of administration, **Walter McGuire,** as head of the state's Washington office.

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The battle for 1984

By Leo Rennert

Party leaders may cry for unity, but Democrats really love a good internal fight to tone up their political muscles. Unfortunately the New York convention didn't provide many sparks. President Carter had the nomination in the bag when the clambake began in Madison Square Garden. Battles over rules and platform planks were fought in desultory fashion. Most delegates felt cheated — and bored.

TO KEEP THE JUICES FLOWING, it was only natural that much of the real pushing and shoving centered on control of the party in 1984 — not 1980. Democrats will need a new nominee four years hence, whether Carter wins or loses in November. At this point, his would-be successors assume he's going to lose — and are making plans accordingly.

The cast may change and grow in the next four years. But there already are three early entrants — Vice President Walter Mondale, Senator Edward Kennedy and California Governor Brown. While Carter stumbled through the convention and made more enemies than friends, Mondale had a good week in New York. Somehow, Carter's problems don't rub off on the vice president. In fact, Mondale's star appears on the rise every time Carter's dims. Before the convention, when the dump-Carter movement was frantically looking for a third option, Mondale was the No. 1 favorite. The vice president so far has pulled off a remarkable coup — while remaining totally loyal to Carter, he still enjoys the enthusiastic support and affection of organized labor and the liberal wing. That's going to be a powerful obstacle for Jerry Brown, who also is pitching hard at both wings of the party.

Kennedy, who probably did more to derail Brown's candidacy this year than anyone else, also is off and running hard for 1984. But he can be more public about it than Mondale. The senator scored a huge success at the convention — helped immeasurably by Carter's maladroit and lackluster performance. After taking many lumps in the primaries, Kennedy deftly used the convention to stage a major comeback within the party. His rousing speech in defense of old-fashioned liberal policies revived Camelot and the Kennedy mystique. Chappaquiddick may continue to haunt his political career, but the senator from Massachusetts still has a lot of cards to play. Kennedy gave Carter only the barest expression of support — just enough to avoid any charges of disloyalty down the road.

Brown's role at the convention was quite another story. While Mondale and Kennedy were charting clear paths toward 1984, the governor was racing along in intellectual circles — still in search of an elusive constituency.

As usual, Brown was operating at several — and sometimes contradictory — levels. But he just didn't seem able to find an opening to make an important impact. Four years late, he finally did get to make a speech from the podium; but few delegates listened and fewer cared. On the final night, Brown again went to the podium for the obligatory show of unity — and looked even more out of place than the nominee.

Brown knows that after his disastrous performance in this year's primaries, he's got a big rebuilding job on his hands. If the convention proved anything, it was that the governor's task will be immensely more difficult than he had imagined. Except for a small band of political groupies and reporters assigned to cover him, the governor is a leader without a following.

To rebound as a national figure, Brown tried the role of peacemaker — but found no takers. He's wooing party regulars by offering to raise money for Democratic candidates and by showing more loyalty to Carter than Kennedy.

So far, however, the payoff has been minimal. In fact, Brown's efforts to "mainstream himself" — as one of his lieutenants described the new exercise — threatened to boomerang. The governor is straining credibility — and again raising charges of opportunism — when he muffles his differences with Carter and seeks to convince people that, at bottom, he's really a "regular pol."

Brown continues to bet that, with the passage of time, Kennedy and Mondale will be viewed as apostles of outdated ideas while events vindicate his own sense of the future. But many of his slogans — "quality not quantity" or the "stewardship ethic" as a replacement for the "throwaway" society — are turning into yesterday's cliches.

Privately, Brown remains convinced that the nation faces much tougher times ahead and that his political stock will rise when old solutions are shown to be totally worthless. He thinks current conditions, while bad enough, don't lend themselves to vigorous political leadership because Americans still haven't grasped their downward slide on the world scene. He even admits that the country probably would be in the same fix it is today if he had been president for the last three and a half years.

AS A POLITICAL AUGUR, he is fascinated by the fact that no president has completed two terms in the last 20 years. He predicts a future of even greater calamities that finally may get people interested in the Brown gospel. It's an apocalyptic vision of world famine, revolutions in the Third World — perhaps even a Castro-style takeover in Mexico. But it's not one that grabs the party regulars he's trying to court. If Brown was looking for a breakthrough at the convention or any significant sign of encouragement for 1984, he was clearly disappointed.

While Kennedy and Mondale are jockeying for dominance in the party, Brown is zigzagging in the rear, still looking and waiting for a break. Deep down, he's always been a fatalist. Which may explain his past successes — and his current lonely isolation.

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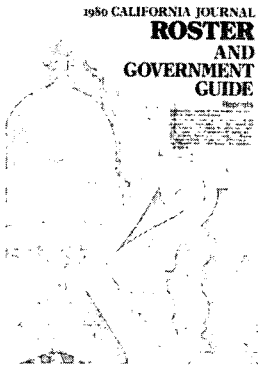

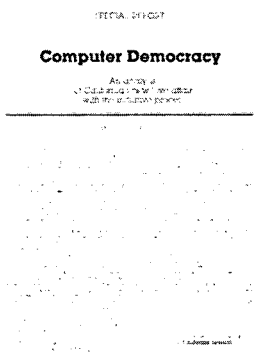

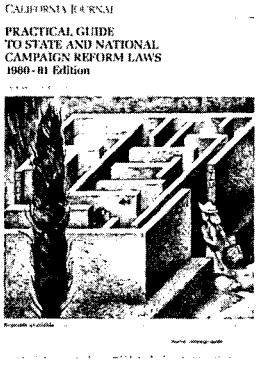

The love of liberty
is the love of others;
the love of power
is the love of ourselves.

— William Hazlitt

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